

T I T L E 62

CHAPTER 5

HORSE RACING

SECTION	82-A-1602.13.	BOARD OF HORSE RACING CREATED -- APPOINTMENT - REMOVAL
SECTION	62-502.	DEFINITIONS
SECTION	62-503.	CHAIRMAN -- QUORUM -- COSTS
SECTION	62-504.	DEPARTMENT' REPORT -- PUBLIC RECORD
SECTION	62-505.	DUTIES OF BOARD, DEPARTMENT AND LICENSEES - LICENSE FEE
SECTION	62-506.	AUTHORITY OF BOARD.
SECTION	62-507.	LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING
SECTION	62-508.	PENALTY FOR VIOLATIONS OF LAW
SECTION	62-509.	RACE EXCLUSIVELY FOR MONTANA BRED HORSES -- BONUS FOR WINNER
SECTION	62-510.	PUBLIC LIABILITY INSURANCE
SECTION	62-511.	PARIMUTUEL BETTING -- OTHER BETTING ILLEGAL
SECTION	62-512.	DISTRIBUTIONS OF DEPOSITS -- BREAKAGE
SECTION	62-513.	LICENSEE'S RIGHT TO WITHHOLD DEPOSITS
SECTION	62-514.	GROSS RECEIPTS -- DEPARTMENT'S PERCENTAGE -- COLLECTION AND ALLOCATION
SECTION	62-515.	DEPOSIT OF UNCLAIMED MONEY

MONTANA STATE LAW
82A-1602.13 and SECTIONS 62-502 THROUGH 62-515
REVISED CODES OF MONTANA, 1947

82-A-1602.13. BOARD OF HORSE RACING CREATED -- APPOINTMENT -- REMOVAL.

(1) There is a board of horse racing.

(2) The board consists of five (5) members, appointed by the governor with the consent of the senate, who shall be citizens, residents and qualified electors of this state. At least one (1) member shall be a breeder of racing horses; one (1) member shall be a member of an independent horse racing association; one (1) member shall be a member of a county fair board that conducts a fair featuring pari-mutuel betting; and two (2) members shall have occupations unrelated to horseracing.

(3) The governor shall not appoint any member who resides in the same county as a current member. The governor shall appoint members on the basis of experience, qualifications, and a reasonable geographical balance throughout the state.

(4) Each member shall serve for a term of three (3) years. A member may be removed from office by the governor only for cause.

62-502. DEFINITIONS. Unless the context requires otherwise in this chapter:

(1) Board means the board of horse racing, provided for in section 82A-1602.13.

(2) "Department" means the department of professional and occupational licensing, provided for in title 82A, chapter 16.

(3) "Persons" means individuals, firms, corporations, and associations.

(4) "Race meet" means an exhibition of thoroughbred, purebred, or registered horse racing where the parimutuel system of wagering is used.

62-503. CHAIRMAN -- QUORUM -- COSTS.

(1) The board shall organize by electing one (1) of its members chairman. Three (3) members of the board shall constitute a quorum for the transaction of business by the board.

(2) The board may incur costs, charges, and expenses reasonably necessary to carry out this act.

(3) Each member may be paid twenty-five dollars (\$25) for each day in which he is actually and necessarily engaged in the performance of board duties and shall also be reimbursed for actual and necessary expenses incurred in his official service.

62-504. DEPARTMENT'S REPORT -- PUBLIC RECORD.

(1) The department shall keep detailed records of board meetings and of the business transacted at the meetings, and licenses applied for and issued.

(2) Records of the board kept by the department are public records, subject to public inspection.

62-505. DUTIES OF BOARD, DEPARTMENT AND LICENSEES - LICENSE FEE. The board shall adopt rules to govern race meets and the parimutuel system. These rules shall include the following: definitions, auditing, and supervision of the parimutuel system, corrupt practices, supervision, duties and responsibilities of the presiding steward, racing secretary and other racing officials, licensing of all personnel who have anything to do with the substantive operation of racing, the establishment of dates for race meets and meetings in the best interests of breeding and racing in this state, and the veterinary prac-

tices and standards which must be observed in connection with race meets. A person who participates in a race meet shall be licensed and charged an annual fee not to exceed ten dollars (\$10), which shall be paid to the department and used for expenses of the board, subject to section 82A-1603 (6). Each person holding a license under this chapter, and every owner, trainer, jockey, and attendant at a race course in this state, shall comply with this chapter and with the rules adopted and orders issued by the board.

62-506. AUTHORITY OF BOARD. The board shall, subject to sections 82A-1603 and 82A-1604, license, regulate and supervise race meets held in this state under this chapter, and shall have the places where race meets are held visited and inspected at least once a year.

62-507. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING.

(1) It is unlawful for a person to hold a race meet in this state without a valid license issued by the department under this chapter. A person applying for a license to hold a race meet, under this chapter, shall file an application with the department which shall set forth the time and place and number of days the license will continue, and other information the board requires.

(2) A person who has been convicted of a crime involving moral turpitude may not be issued a license of any kind, nor may a license be issued to a person who has violated this chapter or the rules of the board, or who has failed to pay the fees, taxes, or moneys required under this chapter.

(3) Applications to hold race meets shall be submitted to the department, and the board shall act on the applications within thirty (30) days. The board is the sole judge of whether the race meet may be licensed and the number of days the meet may continue.

(4) The board shall require that a fairboard conducting race meets in conjunction with its regularly scheduled fair shall meet the requirements of the rules adopted by the board before granting a license. An unexpired license held by a person who violates this chapter, or who fails to pay to the department the sums required under this chapter, is subject to cancellation and revocation by the board.

62-508. PENALTY FOR VIOLATIONS OF LAW -- POWER OF BOARD. Any person holding a race meet, and any owner, trainer, or jockey participating in a race meet, without first being licensed by the board, and any person violating any of the terms or provisions of this act is guilty of a misdemeanor.

The board shall have the power to:

(1) exclude from any and all race courses in this state, any person whom the board deems detrimental to the best interests of racing; and

(2) suspend or revoke any license issued by the board to any person or assess a fine, not to exceed five hundred dollars (\$500), against any person who violates any of the provisions of this act or any rule, regulation or order of the board.

(3) The board shall promulgate regulations implementing this act, including the right to a hearing for individuals against whom action is taken or proposed herein.

It shall be lawful to conduct race meets on or at a race track or otherwise, at any time during the week.

62-509. RACE EXCLUSIVELY FOR MONTANA BRED HORSES -- BONUS FOR WINNER.

(1) For the purpose of encouraging the breeding, in this state, of valuable thoroughbred, purebred, quarter horse, appaloosa, or registered horses, at least one (1) race each day at each race meet shall be limited to horses bred in this state. If, in the opinion of the board sufficient competition cannot be had among this class of horses, the race may be eliminated for the day and a substitute race provided instead.

(2) A sum equal to ten per cent (10%) of the first money of every purse won by a horse bred in this state shall be paid by the licensee conducting the race meet to the breeder of the horse.

62-510. PUBLIC LIABILITY INSURANCE. For the protection of the public, exhibitors, and visitors, a person licensed to conduct a race meet under this chapter shall carry public liability insurance in an amount and form of contract approved by the board.

62-511. PARIMUTUEL BETTING -- OTHER BETTING ILLEGAL.

(1) It is unlawful to make, report, record, or register a bet or wager on the result of a contest of speed, skill, or endurance of an animal, whether the contest is held within or outside of this state, except under this chapter.

(2) A licensee conducting a race meet under this chapter may provide a place in the race meet grounds or enclosure where the licensee may conduct or supervise the use of the parimutuel system by patrons on the result of the races conducted by the licensee at the race meet, if the parimutuel system is conducted under this chapter and the rules of the board.

(3) It is unlawful to conduct pool selling, book making, or to circulate handbooks, or to bet or wager on a race of a licensed race meet, other than by the parimutuel system, and in the race meet grounds or enclosure where the race is held, or to permit a minor to use the parimutuel system.

62-512. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. Each licensee conducting the parimutuel system shall distribute all sums deposited in any pool to the winner thereof, less an amount which shall not exceed twenty per cent (20%) of the total deposit plus the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage.

62-513. LICENSEE'S RIGHT TO WITHHOLD DEPOSITS. In the event any government or governmental agency imposes a levy on a licensee, by a special tax on the money so deposited under the parimutuel system, or upon or against his receipts therefrom, the said licensee may withhold in addition to the aforesaid per centum and breakage the amount of the tax so levied.

62-514. GROSS RECEIPTS -- DEPARTMENT'S PERCENTAGE -- COLLECTION AND ALLOCATION. The licensee shall pay to the department one per cent (1%) of the gross receipts of each day's parimutuel betting at each race meet, which sums shall be paid to the department within five (5) days after receipt by the licensee. At the end of each race meet the licensee shall prepare a report to the department showing the amount of the overpayments and underpayments. If the report shows the underpayments to be in excess of the overpayments the

balance shall be paid to the department. Money paid to the department may be used for the expenses incurred in carrying out this chapter.

62-515. DEPOSIT OF UNCLAIMED MONEY. Each licensee holding a horse race meeting shall within thirty (30) days of the end of the meeting pay to the department of professional and occupational licensing for deposit in the earmarked revenue fund for the board of horse racing all unclaimed winning ticket money from any pari-mutuel pool.

HORSE RACING

CHAPTER 46

BOARD OF HORSE RACING

Sub-Chapter 1

Organizational Rule

Section 40-3.46(1)-O4600 Board Organization

Sub-Chapter 2

Procedural Rules

Section 40-3.46(2)-P4610 Procedural Rules

40-3.46(2)-P4620 Introduction to Additional Procedural Rules

40-3.46(2)-P4630 Additional Administrative Rules of Procedure

Sub-Chapter 6

Substantive Rules

Section 40-3.46(6)-S4640 Purpose

40-3.46(6)-S4650 Adoption of Rules

40-3.46(6)-S4660 Definitions

40-3.46(6)-S4670 Set and Approve Requirements and Standards

40-3.46(6)-S4680 Licenses

40-3.46(6)-S4690 Racing Officials

40-3.46(6)-S46000 Occupational Licenses

40-3.46(6)-S46010 General Conduct of Racing

40-3.46(6)-S46020 Medication

40-3.46(6)-S46030 Corrupt Practices and Penalties

40-3.46(6)-S46040 Pari-Mutuel Operations

PROFESSIONAL
AND OCCUPATIONAL LICENSING

Sub-Chapter 1

Organizational Rule

40-3.46(1)-04600 BOARD ORGANIZATION (1) The Board of Horse Racing hereby adopts and incorporates the organizational rules of the Department of Professional and Occupational Licensing as listed in Chapter 1 of this title, see MAC 40-2.1-0100. (History: Sec. 82-4203; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

Sub-Chapter 2

Procedural Rules

40-3.46(2)-P4610 PROCEDURAL RULES (1) The Board of Horse Racing hereby adopts and incorporates the procedural rules of the Department of Professional and Occupational Licensing as listed in Chapter 2 of this title, see MAC 40-2.2(1)-P200 through MAC 4-2.2(10)-P2390. (History: Sec. 82-4203; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.46(2)-P4620 INTRODUCTION TO ADDITIONAL PROCEDURAL RULES (1) Unless inconsistent with Chapter 2, these additional rules MAC 40-3.46(2)-P4620 through MAC 40-3.46(2)-P4630 shall also be incorporated in the procedural rules. If any section, sub-section, sentence, clause, or phrase of rules MAC 40-3.46(2)-P4620 through MAC 40-3.46(2)-P4630, be for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of the total rules and regulations. The Montana State Board of Horse Racing hereby declares that it would have passed and adopted rules MAC 40-3.46(2)-P4620 through MAC 40-3.46(2)-P4630 in each section, sub-section, sentence, clause, or phrase thereof, separately and irrespective of the fact that any one or more of them be held invalid. (History: Sec. 82A-1605; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.46(2)-P4630 ADDITIONAL ADMINISTRATIVE RULES OF PROCEDURE (1) Board of Stewards:

(a) The stewards shall conduct summary hearings with respect to the violations of the rules and regulations of the Board, the customs of the course, and R.C.M. which have occurred during the period of a race meeting.

(b) The stewards shall hear the violations which have been committed at the race meeting for which they were appointed. The stewards shall rule upon each violation according to the appropriate rules of racing and shall report their ruling to the Board promptly thereafter.

(c) Any person affected by a ruling of the stewards may appeal to the Board in the manner prescribed by the follow-

ing rules of procedure. No appeal shall be heard by the Board and there shall be no appeal taken unless a written petition is filed with the Board not later than fifteen (15) days after issuance of the order, regulation, rule or ruling.

(2) Institution of Proceedings by Petition:

(a) A hearing may be instituted by:

(i) Petition for review by any person who has had a license summarily revoked, suspended or denied or renewal thereof refused by the Board or its representatives, except where such person has waived or failed to avail himself of an opportunity for a hearing prior to such Board action.

(ii) Application for a license where such applicant is entitled by statute to a hearing upon making application.

(iii) Petition by any person adversely affected by a ruling of the stewards.

(b) Contents of the Petition:

(i) Facts sufficient to show the petitioner is entitled to the relief requested,

(ii) The specific action, answer, or relief requested,

(iii) Propositions of law, if relevant, upon which action, answer or relief is requested, and

(iv) The name and address of petitioner and of any other person or persons necessary to the proceeding known to the petitioner.

(c) An original and two copies of the petition, either in typewritten or printed form, shall be filed with the Board. A petition shall be deemed filed when received by the Board.

(d) Service of petition, notices, orders, and other matters:

(i) After the petition has been filed, the Board shall dispatch by registered or certified mail a true copy of the petition together with a copy of the applicable rules of practice to all necessary parties as named in the petition. Such petition shall be deemed served on the date of mailing to the last known address of the person being served.

(ii) All answers, motions, notices, orders and decisions except where otherwise provided shall be served upon all other parties personally or by regular mail to their last known address. For the purpose of this rule, the word "parties" includes the Board.

(e) Answers to petitions will not be required. Where no answer is filed with the Board all allegations of the petition will be deemed denied. If an answer is made, it shall be filed within fifteen (15) days from the date the petition is served upon any party in interest.

(f) Motion for more definite statement. The Board on its own motion or upon the motion of any interested party, may order that the allegations in the petition be made definite and certain. Such order, if by the Board on its own motion, shall be entered within fifteen (15) days of the filing of the petition; if said order is based upon the motion of an inter-

ested party, the motion must have been filed with the Board within fifteen (15) days from the date of service on the party in interest. The petitioner shall have fifteen (15) days after notice of such order to comply. Allegations complained of may be stricken upon failure to comply with such order.

(g) Amendment of petition. At any time more than ten days prior to hearing, the petitioner may amend his petition, which amendment shall be filed and served in the manner provided for service of original petitions. After that time, amendment may be allowed at the discretion of the Board.

(h) Withdrawal of petition. The petitioner may withdraw his petition at any time prior to hearing without prejudice. Thereafter, the petition may be withdrawn only upon approval of the Board.

(3) Institution of Proceedings by Notice:

(a) A hearing may be instituted by notice from the Board to any person who will be affected by a proposed revocation, suspension, or refusal to issue or re-issue, a license or any other act which the law authorizes the Board to do.

(b) Contents of notice. The notice shall be in writing, signed by, or on behalf of the Board and shall contain:

(i) the action proposed to be taken by the Board,

(ii) a concise statement of facts upon which the Board action is based,

(iii) provisions of law upon which the notice is based, and,

(iv) statement that the recipient has the right to demand a hearing where such demand is provided by law or would otherwise be applicable, and, if he desires, to be represented by counsel at said hearing.

(c) An answer to the charge in the notice may be filed by notice within fifteen (15) days of service. Where no answer is filed, all allegations of the notice will be deemed denied.

(d) A notice shall be served in the same manner as is provided in Chapter 46, Sub-Chapter 2, MAC 40-3.46(2)-P4630(2) of these rules.

(e) Except as herein expressly provided, the rules governing the petition shall govern a proceeding instituted by notice wherever applicable.

(4) Notice of Hearing:

(a) When a hearing has been requested by filing a petition, the Board shall determine the time of hearing and shall give all interested parties not less than ten (10) days notice of the date and place where such hearing will be held and the nature of such hearing.

(5) Subpoenas:

(a) Subpoenas requiring the attendance of witnesses or production of documentary or tangible evidence at a hearing shall be issued by the Board when authorized by law, upon re-

quest by any party to the proceeding, including the Board itself, upon showing of general relevance or reasonable scope of the evidence sought.

(6) Intervention:

(a) Any person having an interest in the subject matter of any proceeding may petition for leave to intervene in such proceeding and may become a party thereto, if the Board finds that such person may be bound by the order to be entered in the proceeding or that such person has a property of financial interest which may not be adequately represented by existing parties.

(7) Disqualification:

(a) Any party to a proceeding before the Board may file an affidavit of personal bias of any officer or officers representing the Board. Any officer of the Board may withdraw from the proceeding whenever he deems himself disqualified because of personal bias except in those cases where such withdrawal may preclude a hearing. The Board in its discretion, may order a hearing on a charge of bias or disqualification. The above provisions allowing for the voluntary or involuntary withdrawal of an officer or officers shall not apply if such withdrawal would prevent Board consideration or action.

(8) Powers of the Board:

(a) The Board shall have the following powers:

- (i) To give notice of and hold, postpone, continue, recess and adjourn hearings,
 - (ii) to examine witnesses,
 - (iii) to issue subpoenas authorized by law,
 - (iv) to rule upon the admissibility of evidence,
 - (v) to regulate the course of the hearing,
 - (vi) to hold conferences, before or during the hearing for settlement or simplification of issues, with consent of the parties,
 - (vii) to dispose of procedural requests or similar matters,
 - (viii) to make initial decisions, and
 - (ix) to take any other action authorized by these rules.
- (9) Who May Appear:
- (a) Each party may be represented by counsel.
 - (b) Any individual may appear for himself, and any member of a partnership which is a party may appear for such partnership. An officer or an employee of a corporation, association, partnership or of any individual may appear for such corporation, association, partnership or individual upon establishing his authority to so appear.

(10) Standard of Conduct:

(a) Contemptuous conduct by any person appearing at any hearing shall be grounds for his exclusion by the presiding officer from the hearing.

(11) Hearing Reporter:

(a) The official record of the hearing shall be steno-

PROFESSIONAL
AND OCCUPATIONAL LICENSING

graphically or mechanically recorded by a person assigned by the Board and capable of doing such reporting. The method used shall be in the discretion of the Board.

(12) Transcript of Testimony:

(a) A transcript of the official record shall be furnished by the Board only for the purposes of rehearing or judicial review. The cost of the record shall be taxed to the petitioner or any intervening party.

(13) Extending and Shortening Time Periods:

(a) The Board upon its own motion or the motion of an interested party, may for good cause shown:

(i) continue or postpone any hearing,

(ii) extend the period of time established by these rules for taking action,

(iii) shorten the period of time established by these rules for taking action, but only if necessary to avoid irreparable harm to any party or to protect the public health or welfare. The period of time may be shortened or extended by stipulation of all parties at any time.

(14) Evidence:

(a) The testimony of witnesses at a hearing shall be upon oath or affirmation and shall be subject to cross-examination.

(b) Any witness may, in the discretion of the Board be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(c) The Board may limit oral argument in its discretion.

(d) Depositions or written interrogatories may be received or considered to the extent and in the manner permitted in actions and suits under Rule 26(d) Montana Rules of Civil Procedure.

(e) The oath or affirmation taken by a witness before he may testify shall be in the same form and manner as is provided by law.

(f) Every party shall have the right to present his case or defense by oral, documentary, or other satisfactory evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

(g) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination he shall state briefly the grounds of such objection, whereupon the Board shall give its ruling.

(h) After first advising all parties of its intention to do so, the Board may take notice of judicially cognizable facts as is provided by law (93-501-1 R.C.M. 1947) and of general technical or scientific facts within the specialized knowledge of the agency.

(15) Informal Disposition:

(a) Informal disposition may be made of any contested

case by stipulation, agreed settlement, consent order or default; provided that an order adverse to a party may be issued upon default only upon prima facie case made on the record by the Board. Such a decision shall not be reviewable.

(16) Argument and Submittals:

(a) After all evidence has been received and prior to the entry of a proposed decision or a decision, the Board shall give the parties adequate opportunity for presentation of arguments in support of motions, objections or exceptions to its proposed decisions and the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

(17) Record:

(a) The stenographic record or mechanical record of the testimony and exhibits, together with all papers, requests and rulings filed in the proceedings, shall constitute the exclusive record for decision. The record shall include any Board proceedings upon an affidavit of personal bias or disqualification of any officer of the Board and the proposed and final decision, if any.

(18) Decision:

(a) If a majority of the Board members have heard the proceedings or have read the transcript they shall render their decision within sixty (60) days after completion of the hearing. A copy of the decision shall be mailed to each party or to his attorney of record.

(19) Appeal:

(a) Any party to a Board proceeding who is adversely affected by the final decision may appeal to the state district court in the form and manner prescribed by law.

(History: Sec. 82A-1605, 62-505-508; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

Sub-Chapter 6

Substantive Rules

40-3.46(6)-S4640 PURPOSE (1) National Association of State Racing Commissioners Five Point Doctrine:

(a) The legal and moral duty of every racing Board is to decide issues before it on the facts and under the law in order to promote the best interest of the racing industry and the public of its state.

(b) An offer of a bribe to or a threat against a Board to induce it to act in a specific way at best violates established principles of good government and may very well constitute a criminal act.

(c) These doctrines are immutable regardless of the "good" intentions of the person offering the bribe or expressing the threat and regardless of the possible merits of the act or decision he wishes the Board to make. Law and justice

PROFESSIONAL
AND OCCUPATIONAL LICENSING

are founded in America on the theory that the end does not justify the means.

(d) Thus, if any person or group disagrees with a decision of a board of stewards, it should seek review from the responsible racing Board. If one still feels aggrieved, he should seek judicial review. The final decision of the Courts should terminate the matter in the racing industry as it does for the rest of our society.

(e) In conclusion, the NASRC and each of its member Boards should make it crystal clear that efforts by any segment of the racing industry to foster anarchy in the sport of racing by seeking favorable action of a Board through such correction as threat of strike will be deemed an act to destroy the authority vested in the respective Board subject to the full penalty provided by law in each jurisdiction.

(History: Sec. 82A-1605, 62-505, 506; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.46(6)-S4650 ADOPTION OF RULES (1) Pursuant to and by the authority of R.C.M. 1947, Section 62-505, the Montana Board of Horse Racing at a regular meeting adopted the following rules for the governing of racing under its jurisdiction. The rules shall apply to all licensees, license holders and patrons of all licensed meetings. The Board also shall require its representatives and the officials of all licensees to enforce these rules in their entirety. (History: 82A-1605, 62-505, 506; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.46(6)-S4660 DEFINITIONS (1) In applying the rules, the following definitions shall apply unless clearly inconsistent with the plain intent of the rule:

(a) Singular term shall include the plural and the masculine gender the feminine except where a particular context clearly requires a different meaning.

(b) Added Money is the money an association adds to the fees paid by horsemen.

(c) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(d) Arrears means money due for entrance fees, jockey fees, nomination or supplemental fees in stakes races, purchase money in claiming races or default in any payment due incidental to the rules of racing or conditions of a race.

(e) Authorized Agent is a person appointed on a notarized instrument, signed by the owner granting authority to act on behalf of the owner and filed with the Board.

(f) Breeder of a horse is the owner of its dam at the time of foaling.

(g) Bred, a horse is considered bred at its place of birth, see MAC 40-3.46(6)-S4680.

(h) Calendar Day is 24 hours, ending at midnight.

(i) Board shall mean the Montana Board of Horse Racing.

(j) Declared: see Scratched:

(k) Directive means an official order issued by the Board.

(l) Entrant or Entry means according to the requirement of the text, (1) a horse eligible to run in a race; (2) two or more horses which are entered in a race by the same owner or trained by the same trainer.

(m) Equipment as applied to a horse means ship, blinkers, tongue strap, muzzle, hood, noseband, bit shadow roll, martingale, breast plate, bandage, boot, plates, and all other paraphernalia common or otherwise which might be used on or attached to a horse while racing.

(n) Field (1) When the individual horses competing in a race exceed the capacity of the Tote, the highest numbered horse within the capacity of the Tote and all horses of a higher number shall be grouped together in the wagering and called the field. (2) All horses competing in a race.

(o) Forfeit means money due because of an error, fault, neglect of duty, breach of contract or penalty.

(p) Horse includes filly, mare, colt ridgling, or gelding; when referring to sex, a filly becomes a mare when five years old; a horse is an entire male five years old or older.

(q) Jockey is a race rider, whether a licensed jockey, apprentice, or amateur.

(r) Law means an act passed by the Montana Legislature or the Congress of the United States.

(s) Licensee means a corporation, association, firm, political subdivision (fairs), or individual (s) receiving a license from the Board to conduct pari-mutuel horse racing. The term LICENSEE INCLUDES "persons" as used in Section 62-502(2), R.C.M. 1947.

(t) License Holder is the individual or firm issued an occupational license by the Board.

(u) Maiden for purposes of eligibility at race meetings whose racing records are recorded in an official chart book or the Daily Racing Form is a horse which, at the time of starting, has never won a race on the flat in any country at a track whose racing records are recorded in an official chart book or the Daily Racing Form.

(i) A Maiden for purposes of eligibility at race meetings whose racing records are not recorded in an official chart book or the Daily Racing Form is a horse which at the time of starting has never won a race on the flat in any country.

(aa) A maiden which has been disqualified after finishing first is still a maiden.

(v) Meeting is the entire period the licensee has been granted a license to conduct horse racing. Such meeting shall be deemed to open when the racing secretary opens the office for entries for the first day of racing and to close at

midnight of the final day.

(w) Month is a calendar month.

(x) Nominator means the person in whose name a horse is entered for a stakes race.

(y) Montana Bred is a foal dropped by a mare in Montana.

(z) Owner means sole owner, part owner, or lessee of a horse. An interest only in the winnings of a horse does not constitute a part ownership. Husband and wife shall be considered as one owner.

(al) Place in racing means first, second and third, and in that order of finish is called, WIN, PLACE and SHOW.

(bl) Post Position is the position assigned to a horse to start in a race, see MAC 40-3.46(6)-S46010(56).

(cl) Post Time means the time set for the arrival at the starting point of the horses in a race, and must be posted a reasonable time before a race, see MAC 40-3.46(6)-S4680(20).

(dl) Quarter Horse means a horse registered with the American Quarter Horse Association.

(el) Race is a contest between horses for a purse and/or entry fees on a track under the jurisdiction of the Board to be conducted under the pari-mutuel system of wagering with approved officials present and officiating.

(fl) Race Meet shall be construed to begin at the time the racing office is first open to accept entries and to end at midnight the last day races are held.

(2) Races — Classification:

(a) Allowance Race means a race in which contestants receive weight allowance based on performance and/or winnings is stipulated in the conditions thereof.

(b) Claiming Race means a race in which any horse entered therein may be claimed in conformity with the rules.

(c) Free Handicap means a handicap in which no liability for entrance money is incurred.

(d) Handicap means a race in which the weights to be carried by the entered horses are adjusted by the handicapper or board of handicappers for the purpose of equalizing their respective chances of winning.

(e) Highweight Handicap means a handicap in which the weight assigned to the top horse is not less than 140 pounds.

(f) Invitational Handicap means a handicap for which the racing secretary or handicapper has selected the contestants and assigned the weights.

(g) Montana Bred Race means a race in which the contenders are Montana bred horses as stipulated in the conditions.

(h) Optional Claiming Race means a race restricted to horses entered to be claimed for a stated claiming price and to those which have previously started for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purpose of these rules, a claiming race.

(i) Overnight Race means a race for which entries close 72 hours or less before the time set for the first race of the day on which such race is to be run.

(j) Owner's Handicap means a race in which the owner fixes, at time of entry, the weight his horse is to carry.

(k) Post Race means a race in which subscribers announce at declaration time the horse or horses each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.

(l) Private Sweepstakes means a race in which no money or other prize is added, and which, prior to closing, has not been advertised in publications or by circular or entry blank or in any other way.

(m) Produce Race means a race in which the produce of previously nominated horses are eligible to enter.

(n) Purse Race means a race for money or other prize to which the owners of the horses engaged do not contribute.

(o) Stakes Race or Sweepstakes means a race to which the nominator of the engaged entry contributes to a purse, to which money, or any other award, may be added, but no overnight race, regardless of its conditions shall be deemed to be a stakes race.

(p) Special Weights means a race in which weight for age and/or sex is set by the conditions thereof.

(q) Walkover means a race in which two or more horses in different interest fail to contest a race; the race being contested by one horse only or horses representing one interest only.

(r) Weight for Age means a race in which all horses carry weight according to an established scale based upon age without other penalties or allowances.

(s) Recognized Meeting means any race meeting conducted under the jurisdiction of any legally constituted Board or Commission affiliated with the National Association of State Racing Commissioners or conducted with approval of the American Quarter Horse Association. RECOGNIZED TRACKS are those conducting recognized meetings.

(t) Rules are the rules herein prescribed and any amendments and additions hereto.

(u) Ruled Off means denial of entrance to premises of a licensee under the jurisdiction of the Board.

(v) Scratched means withdrawal of a horse entered in a race after the closing of overnight entries.

(w) Scratch Time means the time set for withdrawal of a horse entered in a race.

(x) Starter means (1) an official who dispatches the horses from the starting gate; (2) a horse is a starter when the stall doors of the starting gate open in front of it at the time the official starter dispatches the horses.

(y) Stewards means the stewards approved for the meeting by the Board.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

- (z) Subscription means a fee for eligibility of a horse in a stakes race.
- (al) Suspended means withdrawal by the stewards or Board of racing privileges.
- (bl) Thoroughbred is a horse registered with the New York Jockey Club.
- (cl) Tote (Tote Board) means the totalisator.
- (dl) Untried Horse is one whose produce are maidens.
- (el) Winner for purposes of eligibility at race meetings whose race records are recorded in an official chart book or the Daily Racing Form is a horse which, at the time of starting, has won a race on the flat in any country at a track whose racing records are recorded in an official chart book or the Daily Racing Form.
- (fl) A Winner for purposes of eligibility at race meetings whose racing records are not recorded in an official chart book or the Daily Racing Form is a horse which at the time of starting, has won a race on the flat in any country.
- (i) A horse which has been disqualified after finishing first is not a winner.
- (gl) Year means a calendar year.
- (History: Sec. 82A-1605, 62-505, 506, 502; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.

40-3.46(6)-S4670 SET AND APPROVE REQUIREMENTS AND STANDARDS (1) Rules may be adopted, changed or rescinded by a majority of the Board at a regular meeting pursuant to the Administrative Procedure Act, adopted herein.

(2) Every license to hold a race meeting is granted by the Board upon the condition that the licensee, shall enforce the laws of Montana and shall observe and enforce all rules of racing and Board directives. Failure to comply may constitute sufficient cause for revocation of license by the Board.

(3) It shall be the duty of each official to enforce state statutes pertaining to racing, rules of racing and directives issued by the Board, orders and rules issued by the stewards, and all rulings as they may pertain to his official jurisdiction. Any official who fails to comply with this rule may be fined, suspended or dismissed by the Board.

(4) Classified as officials are the following: stewards, racing secretary and handicapper, assistant racing secretary, placing judges, patrol judges, starter, paddock judge, horse identifier, timer, clerk of scales, state veterinarian, track veterinarian, custodian of jockey room, stable superintendent, track superintendent, chief of security, director or coordinator of racing or similar position, licensee's manager, pari-mutuel manager and state supervisor or pari-mutuel betting.

(5) No official shall act and the licensee shall not make any payment for any official's services, until said official is approved by the Board and properly licensed, provided, in case of emergency the licensee may appoint a sub-

stitute official for one racing day.

(6) A ruling or directive may be adopted, changed or rescinded by a majority of the Board at a regular meeting pursuant to the Administrative Procedure Act, adopted herein. The Board may make exceptions or waive rules in individual instances as in the judgment of the Board it may be deemed advisable. Jurisdiction of the Board over matters related to subjects covered by law or rules and regulations of the Board is continuous throughout the year.

(7) The laws of the State of Montana supercede the rules promulgated by the Board and both of these supercede the conditions of a race or the regulations of a race meeting. In all matters pertaining to racing, the orders of the stewards supercede the orders of officers, directors or representatives of the licensee.

(8) In the event any matter arises not specifically covered by the laws of Montana or these rules, it shall be referred to the Montana Board of Horse Racing and the decision of the Board shall be determinative of the matter.

(9) Any person aggrieved by any ruling shall have the right of appeal to the Board and further right to appeal to a court of record.

(10) No state or track steward shall serve in his capacity in regard to any race meet at which a horse owned by him or a member of his immediate family, or in which he has a financial interest is entered in a race at such meeting. (History: Sec.82A-1605, 62-505,506 R.C.M. 1947; IMP 62-505, 506 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-1; Order MAC No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-171).

40-3.46(6)-S4680 LICENSES (1) Rules may be adopted, changed or rescinded by a majority of the Board at a regular meeting pursuant to the Administrative Procedure Act, adopted herein.

(2) Any corporation, association, organization, political subdivision (fairs), partnership or individual desiring to conduct parimutuel wagering on a horse race or races or to engage in horse race meetings shall apply to the Board for dates and a license.

(3) All applications shall be acted upon within thirty (30) days after submission; however, only tentative approval or refection will be given prior to the time applications are received from the various fair associations.

(4) The application for a license to conduct a race meeting with parimutuel wagering during the next succeeding season of racing must be filed with the secretary of the Board over the signature of the applicant or the signature of an executive officer of the applicant no later than October 1st, unless, for good cause shown, the Board shall otherwise permit.

(5) The application shall specify the days on which such races or meetings are to be held, the name or names of

the applicant or applicants desiring the license together with the location and the enclosure where the same are to be held, and if the applicant desires the use of a parimutuel system in connection with such races the application shall so specify and state the terms upon which tickets and certificates are to be sold. The Board may require additional data and informa-

PROFESSIONAL
AND OCCUPATIONAL LICENSING

tion in writing or it may require the applicant to appear before it. Each application to conduct a race meeting will be handled on an individual basis by the Board. The scope of the applicant's operation and plant facilities will determine the Board requirements for:

- (a) proof of financial stability,
 - (b) names of stockholders, firm members, association members, directors, or executive officers,
 - (c) medical and veterinary facilities,
 - (d) lodging facilities, and
 - (e) protective facilities.
- (6) The Board may refuse to issue a license to conduct a race meeting whenever, in its judgment, such refusal shall appear to be in the best interest of Montana horse racing and the general public. Attention will be given to the following considerations:

(a) Opportunity for the sport of horse racing to properly develop;

(b) Avoidance of competition between licensees which may cause hardship;

(c) Extent of community support for the promotion and continuance of the race meeting;

(d) The character and reputation of the individuals identified with the undertaking;

(e) Tenure of race meet.

(7) If there shall be two or more applications requesting licenses to conduct race meetings on one or more identical dates the applicants shall be notified and a hearing will be held in conformity with the rules of chapter 46 hereof. If the Board refuses to allot dates or issue a license for a race meeting for any reason other than conflicting dates, the applicant refused dates or a license may appeal to the Board and then a hearing will be held in conformity with the rules of chapter 46, MAC 40-3.46(2)-P4630.

(8) Every licensee shall have on file with the Board with at least ten (10) days prior to the opening of any race meeting, copies of the following:

(a) An adequate public liability insurance contract covering all persons who may be in attendance at the race meeting.

(b) An adequate accident insurance contract covering jockeys and exercise boys.

(c) An adequate accident insurance contract covering all employees working on the starting gate or working in the paddock area.

(9) No license or any part thereof is transferable or assignable without the express written consent of the Board.

(10) Each licensee shall submit to the Board for approval a list of all racing officials indicating the position they are to fill and shall include relevant personal data on each individual sufficient to permit processing and licensing. The list shall be submitted in writing and at least thirty (30)

days prior to the first day of scheduled racing except for good cause shown. All additions or changes in the list of officials and employees shall be immediately reported in writing to the Board. No racing official shall be qualified to act until he shall have been approved by the Board and then except in cases of emergency the licensee may employ a substitute official to be approved by the Board within twenty four (24) hours.

(11) Each licensee shall employ the following officials:

- (a) a director of racing,
- (b) a veterinary surgeon in good standing and licensed to practice under the State Board of Veterinarians,
- (c) at least two stewards,
- (d) a racing secretary,
- (e) a pari-mutuel manager,
- (f) a paddock judge,
- (g) one or more patrol judges,
- (h) a starter,
- (i) an identifier,
- (j) a jockey room attendant, and such other officials and employees as required by the Board or deemed necessary according to the requirements of the particular racing operation,

(k) a security director.

(12) Upon prior approval by the Board any official employed by the licensee may act in a dual capacity to avoid financial hardship. However, proper supervision of racing in accordance with the rules of racing must be maintained at all times. The Board may require that additional officials be present at race meetings and in such event will so notify the licensee, see MAC 40-3.46(6)-S46000(1)(b).

(13) Members of the Board and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds and mutuel plants of the licensee.

(14) Each licensee shall provide within its grounds an office for the use and to be at the disposal of the Board, its representatives and officials.

(15) The Board or its designated representatives shall visit and inspect each race meeting. Each licensee shall make available to the Board and mark accordingly a box of four seats for their use throughout each day of the race meeting. The private cars of the Board members shall have access to the restricted parking area of all licensed tracks.

(16) Each licensee shall police its grounds at all times in such manner as to preclude the admission of any person in and around the stable area, except those persons licensed by the Board and having bona fide business in the stable area, and the employees of the licensee.

(17) Each licensee shall exclude from the paddock, in the interest of public safety, all persons having no immediate business with the horses entered, except members of the Board and their duly assigned representatives and individuals having special permission from the licensee.

(18) Licensees shall conduct pari-mutuel horse racing only between the hours of 12 noon and sunset unless otherwise specifically authorized by the Board.

(19) Licensees shall not allow more than eight horses to run in any race upon a half mile track without special authorization from the Board.

(20) The number of races per day at all tracks shall be subject to the approval of the Board.

(21) Post time of the first race at each meeting must be approved by the Board.

(22) Each licensee shall file with the Board the condition of races it proposes to hold, together with the stake and purse schedule. In any stakes race, futurity, maturity, derby and/or added money event, the conditions for said races shall be submitted to the Board for approval prior to circulation of any such information by a licensee. The names of all persons, firms or corporations contributing any or all of the purse money must be listed and the amount contributed specified.

(23) Each licensee conducting a race meeting shall provide and maintain, each day that their tracks may be opened, for racing horses, both a man ambulance and a horse ambulance equipped and ready for immediate duty, 30 minutes prior to the first race and until after completion of the last race.

(24) Each licensee conducting a race meeting shall provide adequate first aid and medical facilities for patrons and participants. The Board may at any time require the expansion of these facilities. The extent of first aid and medical or hospital facilities required shall be considered on an individual basis by the Board.

(25) Each licensee shall promptly pay all purse money and all Montana breeders' awards and in no event shall the payment of the winning purse be delayed more than five (5) days after the licensee is notified to release the purse by the stewards. All other purse payments shall be made or made available within 48 hours after they have been earned. All breeders awards shall be paid within thirty (30) days after they have been earned.

(26) Each licensee shall make adequate provision for toilets, showers, and drinking water for the use of jockeys, which shall be conveniently located on the grounds; and such additional toilets, shower, and drinking water facilities as may be necessary for the comfort and convenience of license holders, employees of the licensee and its patrons.

(27) Licensees shall at all times maintain their facilities in good condition with special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race, and of all whose business requires their attendance at the track. The licensee shall have available adequate and proper implements to maintain a uniform racing surface, weather conditions permitting.

(a) The licensee shall take cognizance of any complaint regarding the safety of its race course or premises, and shall maintain in safe condition the race course and all rails and other equipment required for the conduct of its races.

(28) Each licensee shall provide adequate protective facilities to prevent tampering with horses or other corrupt practices at licensed race meetings. The Board may at any time require the licensee to expand the protective services. The extent of protective services to be furnished shall be determined on an individual basis by the Board.

(29) Each licensee conducting a race meeting shall furnish racing colors. A color must be assigned to each post position and shall be standard for the state. The standard colors for all race tracks shall be:

1. Red
2. White
3. Blue
4. Yellow
5. Black
6. Orange
7. Purple
8. Green
9. Brown
10. Pink

Each color assigned to a post position must be indicated directly below the number of the post position in the official program. No person shall start a horse in racing colors other than those approved by the Board, except in case of emergency a temporary change from a standard color of a post position may be approved by the stewards; such a change must be posted by the clerk of the scales on the bulletin board together with the number of the horses as exhibited after weighing out. The use of colors which are not neat, clean and proper in all respects shall not be permitted. This rule shall be effective April 1, 1975.

(30) Licensed owners and trainers participating in licensed meeting shall be able to purchase feeds and supplies on the open market. Licensees may grant exclusive concessions on the grounds so long as owners and trainers are allowed to purchase off the grounds.

(31) The Board may require the licensee to set apart a building or other enclosure in a building in a location acceptable to the Board containing such facilities for medication or other testing of horses as may be required.

(32) Each licensee shall make adequate provisions for fire prevention and fire suppression within the race meeting premises.

(33) Each licensee shall cause the race track to be surveyed by a registered land surveyor who is licensed to do business in Montana. A certificate of survey of the race track by the surveyor shall be filed with the Board no later than April 1, 1975. The finish line and all racing distances shall be clearly marked on both sides of the track.

(a) All distance poles/markers shall be painted as follows:

1/4 red and white
1/8 green and white
1/16 black and white

Permanent markers must be located at each standard Quarter Horse distance. Markers must be located where they can be seen clearly from the judge's stand. Each pole is to be painted a standard color: 220 yards, white; 250 yards, blue; 300 yards, yellow; 330 yards, green; 350 yards, red; 400 yards, black; 440 yards, orange.

(34) Each racing licensee shall police its grounds at all times in such manner as to preclude the admission of any person in and around the stables excepting those being duly licensed by the Board or authorized by the licensee. If the Board finds that the stables of a licensee are not properly policed and unauthorized persons are found in and around the stables, the licensee may be fined an amount not exceeding two hundred dollars (\$200), in the discretion of the Board for each day in which the infraction was found to occur.

(35) Each licensee shall provide a communication system approved by the Board between the stewards stand and the starting gate, paddock, patrol judge's stand and the clerk of the scale.

(36) Each licensee operating under the jurisdiction of this Board which has a daily average handle of not less than fifteen thousand dollars (\$15,000) in the previous year's handle must install and use an approved type "film patrol" with not less than two (2) cameras operating from positions designated by the Board.

(37) No photographer, other than the official licensed photographer, shall be permitted on the track unless special permission is granted by the stewards or the Board, and then only for such pictures as are specifically mentioned, and in such places as are indicated by the stewards or the Board.

(38) All licensees shall keep on file or turn over to the Board all photo patrol film, and the film shall be retained by the Board of the duration of the racing season. (History: Sec.82A-1605, 62-505,506 R.C.M. 1947; IMP Sec. 62-507 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-1; Order MAC No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-172,173,174,175.)

40-3.46(6)-S4690 RACING OFFICIALS (1) Clerk of

Scales:

(a) The clerk of the scales shall weigh jockeys out and

PROFESSIONAL
AND OCCUPATIONAL LICENSING

in, and he shall record and publish any over-weight or variation from the weight appearing on the card.

(b) The clerk of the scales shall record and publish on the notice board any over-weight or any change of jockey, weight, or racing colors, as compared with those stated on the official program and shall promptly supply all proper racing officials with all pertinent changes.

(c) The clerk of the scales shall promptly report to the stewards any infraction of the rules with respect to weight, weighing, or riding equipment.

(d) The clerk of the scales shall confirm to the stewards after each race the weights carried by each horse in each race, together with the name of each horse's jockey and the over-weight carried by any jockey. He shall also report the post time in each race and other data which may from time to time be required.

(i) If the over-weight is more than two (2) pounds in excess of the weight the horse is to carry, owner and trainer consenting, the jockey shall declare the amount of over-weight to the clerk of scales at least forty-five (45) minutes before the time appointed for the race, and the clerk shall have the over-weight posted immediately on the notice board. Failure on the part of any jockey to comply with this rule shall be reported to the stewards.

(ii) Any over-weight exceeding five (5) pounds may be approved by the stewards.

(e) Every jockey must be weighed for a specified horse not more than thirty (30) minutes before the time fixed for the race, see MAC 40-3.46(6)-S4690(1)(k).

(f) If a horse runs in muzzle, martingale or breast plate, they must be included in the jockey's weight. His weight shall also include his clothing, boots and saddle and its attachments.

(g) None of the following items should be included in a jockey's weight: whip or a substitute for a whip, head number, bridle, bit reins, number cloth, blinkers or protective helmet.

(h) No bridle shall exceed two pounds in weight and no ship or substitute for a whip shall exceed one pound in weight unless approved by the stewards.

(i) No horse shall carry more than five pounds over-weight without first being approved by the stewards.

(j) The licensee shall provide the only attendants who will be permitted to assist jockeys in weighing out.

(k) The clerk of the scales shall weigh in all jockeys after each race, and after weighing, shall notify the stewards if the weights are correct.

(2) Identifier:

(a) The identification of horses in the paddock shall be made by the horse identifier. He shall report any identification irregularities to the paddock judge and to the stewards. No horse shall be permitted to start that has not been

fully identified by the official identifier.

(3) Paddock Judge:

(a) The paddock judge shall be in charge of the paddock and shall have general jurisdiction over the saddling equipment and changes thereof; and his duties shall be determined from time to time by the stewards, see rule MAC 40-3.46 (6)-S4680(17).

(b) The paddock judge may require a plater to be in attendance at the paddock to see to it that all horses are properly shod.

(c) The paddock judge shall report any irregularities to the stewards.

(4) Patrol Judge:

(a) The Board shall approve the patrol judges, whose stations shall be designated by the stewards.

(b) The licensee, where possible, shall provide communications between the patrol judges and the stewards.

(5) Placing Judge:

(a) The placing judge or judges shall decide which horse wins and assign their respective places in the race to as many horses as they think proper. When the judges differ, the majority shall govern. In determining the places of horses at the finish of a race, the placing judges shall consider only the respective noses of such horses.

(b) The Board may require a proper camera to be installed as an aid to the placing judges. However, in all cases, the camera is merely an aid and the decision of the judges shall be final. In the discretion of the stewards the photograph of each finish may be posted in a conspicuous place after any race.

(c) Nothing in these rules shall be construed to prevent the placing judges, with the approval of the stewards, from correcting an error before the display of the sign official or from recalling the sign official if it has been displayed through error.

(6) Racing Secretary:

(a) The racing secretary shall be in attendance on the grounds throughout the race meet.

(b) The racing secretary shall discharge all duties required by the racing rules and report to the stewards as the case demands, all violations of these rules, or of the regulations of the course, coming under his notice; he shall keep a complete record of all stakes, entrance money, arrears and fines, and pay over all monies so collected by him to such officers or persons as may be entitled to receive the same. Winning races shall be recorded by the racing secretary on proper forms, not later than the day following the race having been won.

(c) The racing secretary shall compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses which are to

run in each of the races of the day; and shall be responsible for any error of the Board or omission in the official program for each racing day.

(i) The program shall indicate the order in which each race is to be run, the purse, conditions, distance of each race, the owner, trainer, and jockey to each horse, all racing colors, the weight assigned to each horse, his number and post position, color, sex, age and breeding. The program may show other pertinent data. See MAC 40-3.46(6)-S46010(61)(c) for the numbering of entries and field.

(d) The racing secretary shall keep a complete record of all races, including the following information:

(i) Total purses paid for meeting, including added money in stakes.

(ii) List of all stake races:

(aa) Total added money.

(ab) Total money contributed by horsemen.

(iii) Total number of two-year old races:

(aa) Total added money.

(ab) Total money contributed by horsemen.

(iv) Total number of "Montana Bred" races run and offered but not filled:

(aa) Total purses paid to Montana Bred races.

(ab) Total of above paid by horsemen.

(ac) Total amount of purse paid to all Montana Bred winners and including the amount paid as breeders award.

(v) Complete list of all horses claimed, listing claiming price and date of claim.

(e) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing, and he shall determine all conflicting claims for stable privileges.

(f) As soon as the entries have been closed and compiled, and the declarations have been made, the racing secretary shall post in a conspicuous place in his office a list thereof. Any newspaper desiring the same shall be furnished a copy.

(g) The racing secretary shall determine the weight for each horse in every handicap and post the same, and no alterations shall be made after posting except in the case of omission, through error, of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified.

(h) The racing secretary shall be responsible for all registration certificates and a receipt shall be issued to the owner or trainer depositing such registration certificates with the racing secretary.

(7) Security Director:

(a) The security director shall be responsible for maintaining security at the race track. He shall be in charge of the backstretch area, the pari-mutuel area, and is authorized to provide for the removal of unauthorized persons from

restricted areas and for the removal of persons causing disturbances upon the premises of the race track.

(8) Starter:

(a) The starter shall give orders to secure a fair start. After reasonable efforts, if a horse cannot be led or backed into position, the starter shall order the horse to be taken to the outside. The start must not be delayed on account of a bad-mannered horse. When the stall gate is used, it shall be placed on the track at the discretion of the starter.

(b) The starter is required to load horses into the starting gate in alternating order of post position with all odd numbered horses being loaded before all even numbered horses unless for cause the starter shall determine otherwise.

(c) All races shall be started by a starting gate approved by the Board, except that with permission of the stewards a race may be started without a gate. When a race is started with or without a gate, there shall be no start until, and no recall after, the assistant starter has dropped his flag in answer to that of the starter..

(d) With the sanction of the stewards, the starter may appoint his assistants, but neither he nor his assistants shall strike or use abusive language toward a jockey.

(e) Horses shall be schooled under the supervision of the starter or his assistants and the starter shall designate the horses to be placed on the schooling list, a copy of which shall be posted in the office of the racing secretary.

(f) The starter shall approve all entries of two year olds before they are allowed to start.

(g) The starter, with the approval of the stewards, may fine and suspend a jockey for disobedience of orders or for attempting an unfair advantage, but such fine shall not exceed \$200.00. A suspension shall not take effect until after the last race of the next day, unless otherwise ordered by the starter, approved by the stewards and reported by them to the Board.

(h) When a door of the starting gate fails to open as a starter dispatches the field because of faulty action or other causes, it shall be reported immediately to the stewards by the starter. The stewards shall post the inquiry, sign and have the announcer alert the public to hold all mutuel tickets. The stewards shall then view the films to determine if the gate or gates failed to open when the starter dispatched the field and rule accordingly:

(9) Stewards:

(a) At all race meets there shall be three (3) stewards, one of whom shall be named by the Board and who shall be the presiding steward, and two (2) to be named by the licensee conducting the meet. The Board shall refuse to license as a steward any person not having sufficient training or education to meet the requirements of the office. All stewards shall attend the training program conducted by the Board. Failure

of any steward to enforce the rules of racing or meet the responsibilities of the office shall be just cause for the Board not to approve licensure as a steward in future years.

(b) The State steward shall supervise the conduct of the racing officials and shall have full authority to enforce the rules and regulations adopted by the Board or as provided

by the laws of Montana and such additional duties as set forth in the rules and regulations or as ordered by the Board.

(c) The state steward shall represent the Board in all matters pertaining to the interpretation of the rules and regulations as prescribed by the Board. At the close of each race meeting the State steward shall make a written report to the Board of the condition of the meeting and any recommendations he deems advisable.

(d) The stewards shall be strictly responsible to the Board for the conduct of all racing meetings in every detail, directly or indirectly pertaining to the laws and rules of the Board relating to racing.

(e) The stewards have general supervision and authority over owners, trainers, jockeys, grooms or other persons attendant on horses and also over the premises where the meeting is conducted.

(f) Should any case occur which may not be covered by the rules of racing herein outlined, it shall be determined by the stewards of the race meet in conformity with justice and in the interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the Board the imposition of more severe penalties, if in their judgment the penalty should be more drastic.

(g) All entries and declarations shall be under the supervision of the stewards.

(h) The stewards' jurisdiction in any matter extends for thirty (30) days after the conclusion of the race meeting, and commences at such time as entries are taken for the first day of racing at such meeting. The stewards may suspend the license of anyone whom they have the authority to supervise for a period not to exceed thirty (30) days, or they may impose a fine not to exceed two hundred dollars (\$200), or they may impose both such fine and suspension. All such fines and suspensions shall be reported to the Board.

(i) Where the penalty the stewards have jurisdiction to impose is insufficient in the opinion of the stewards, they shall so report to the Board, and they may order the suspension of the licensee and refer the matter to the Board. In such event, the Board shall accept the matter for hearing and adjudication.

(j) The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgement it interfered with, or they may place it last.

(k) On each racing day at least one steward shall be on duty at the track from scratch time in the morning until the close of the racing program for the day, and the full board of stewards shall sit in regular session to exercise the authority and perform the duties imposed on them by the rules of racing.

(l) In case of emergency, the stewards may appoint a substitute subject to the confirmation of the Board. A sub-

40-3.46(6)-S4690

PROFESSIONAL
AND OCCUPATIONAL LICENSING

stitute shall serve only for one day.

(m) If only two stewards are present at race time,

they shall by agreement appoint a deputy for the absent steward.

(i) If none of the stewards are present at race time, the Board may take such action as they deem necessary.

(ii) Appointments of any deputy or deputies for a steward or stewards shall be reported immediately to the Board.

(iii) There shall be three (3) stewards (no more, no less) in the stand when a race is being run.

(n) The stewards shall take notice of any questionable conduct with or without complaint thereof.

(o) The stewards may substitute a jockey of their selection on any horse.

(p) The stewards may place any horse in the temporary charge of a trainer of their election.

(q) It shall be the duty of the stewards to see that horses arrive at the starting gate as near to post time as possible, with exceptions being made in case of accident to horse or jockey, or equipment failure or for any other reasonable cause.

(r) In case of accident or casualty to a horse before off-time the stewards may excuse said horse.

(s) The stewards must investigate promptly and render a decision in every protest and in every complaint properly made to them.

(t) The stewards shall, before the close of the succeeding racing day, file with the Board, a signed report of any and all infractions of the rules coming under their observation, and shall file with the Board any and all rulings on infractions or otherwise as soon as said rulings are made.

(u) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(v) He shall be summoned to a meeting before the stewards, called for that purpose.

(w) Adequate notice of said meeting shall be given to the summoned party. The steward's decision as to what is adequate notice shall be final.

(x) No penalty shall be imposed until such hearing.

(y) Non-appearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards.

(z) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings and conclusions in a signed, written statement to the Board and to the party in question.

(10) Timers:

(a) The timers are not to exceed three in number. They shall occupy the timer's stand or other appropriate place during the running of a race and they shall record for posting the time of each race.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(b) The time recorded for the first horse to cross the finish line shall be the official time of the race. The time recorded may be the time recorded by an electric timing device. Any electric timing device must be of a type approved by the Board.

(11) Veterinarian: Official or Track:

(a) Each licensee shall employ a veterinary surgeon in good standing, and licensed to practice under the State Board of Veterinarians, and who shall be considered an official of the Board and the racing association.

(b) He shall be present in the paddock to inspect all horses, and upon the request of the stewards, shall inspect or observe all horses after the finish of a race, and shall perform such other duties as shall be prescribed from time to time by the stewards.

(c) If for any reason, a horse must be destroyed either in the paddock or on the track, the track veterinarian or his assistant shall perform the execution. The act of execution shall not take place in view of the public.

(d) Shall be present at the starting gate while horses are being loaded. Any scratches after horses leave the paddock must be made by the veterinarian with approval of the stewards.

(e) Shall administer medication only in emergency and if no practicing veterinarian is available.

(12) Director of Racing:

(a) Each licensee shall name a director of racing. It shall be the director's duty to coordinate the activities of the various racing officials serving at the meet and to act as a liaison between the licensee and the Board and its representatives. (History: Sec. 82A-1605, 62-505,506 R.C.M. 1947; IMP 62-505,506 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-1; Order MAC No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-179,180,182.)

40-3.46(6)-S46000 OCCUPATIONAL LICENSES (1)

General Provisions:

(a) All persons engaged in racing or any part thereof or employed by any person engaged in racing or any part thereof, or employed by the licensee to engage in racing or any part thereof, including, but not limited to, racing officials, pari-mutuel managers, pari-mutuel employees, owners, trainers, jockeys, apprentices, grooms, exercise boys, managers, agents, platers, blacksmiths and veterinarians shall register with and be licensed by the Board.

(b) If approved by the Board any eligible person may be licensed in a dual capacity providing, however, that there is no real or apparent conflict of interest as determined by the Board.

(c) It shall be unlawful for any person to take part in, or officiate in any way or to be employed in any capacity in any race meeting without first having secured a license and

paid the license fee.

(d) No one under sixteen (16) years of age, shall be licensed in any capacity. Any person under the age of sixteen in the legal custody of a licensed racing person may obtain from the Board an identification card authorizing his presence in the training area.

(e) All applications for licenses to participate in racing shall be made to the Board on forms supplied by them.

(f) The stewards shall examine each application for license and may require each applicant to be fingerprinted and photographed at such time and place and in such manner as the Board may direct. The stewards shall recommend approval or disapproval of the application and no person shall be recommended for license, who in the opinion of the stewards, is unqualified by experience or otherwise to perform the duties required of such applicant. If any application for license is not approved, the stewards shall inform the Board of the reason for not approving the application.

(g) The Board may approve an application for a license which has not been approved by the stewards if the reason for not approving as submitted by the stewards appears to be inadequate or unsupported by facts. The Board may refuse to issue or renew a license to any person whose previous conduct is considered by the Board to be detrimental to the best interests of racing.

(i) A refusal to grant a license by any other state unaccompanied by good and valid reasons shall not be considered as a ruling by this Board.

(ii) The denial of a license by the Board to any applicant has the same force and effect as a ruling for the violation of a racing rule, and the denial of a license by the Board for cause shall continue in effect until such time the Board shall approve a subsequent application for a license.

(iii) The Board will recognize and will uphold all rulings of every racing jurisdiction that holds membership in the National Association of State Racing Commissioners. However, the Board reserves the right to deny any application for a license from any person whose previous conduct it considers to be detrimental to the best interests of racing regardless of whether he holds a valid license from another racing jurisdiction.

(h) License applications recommended for approval or disapproval by the stewards shall be forwarded immediately to the Board's office. Applications will be recorded by the Board secretary and an official license issued if approved by the Board. The official license will be returned to the state steward and the applicant is required to call for the official license and surrender the receipt for same.

(i) All persons licensed by the Montana Board of Horse Racing must obtain a Board Identification Card, upon which appears the photograph of the license holder. The license holder must wear the identification card so that the same is plainly visible at all times while the license holder is on the grounds of the licensee conducting the race meeting.

(j) Every license shall be for not more than one (1) year, and shall expire on December 31st of that year.

(k) In the event of the loss of a license card, the Board may, in its discretion, issue a duplicate, the fee for

which shall be \$1.00.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(2) Agents for Jockeys:

(a) Each jockey agent shall obtain a license from the Board. A jockey agent may represent two jockeys and one apprentice jockey with approval of the stewards. No jockey agent shall make or assist in making any engagement for any rider other than those he is licensed to represent. Each jockey agent shall keep, on a form provided by the licensee, a record of all engagements he has made for the riders he represents. This record must be kept up to date and held ready at all times for inspection of the stewards. If any jockey agent gives up the making or engagements for any rider he shall immediately notify the stewards and turn over to the stewards a list of any unfilled engagements he may have made for the relinquished rider. A jockey agent may not drop a rider without notifying the stewards in writing. All rival claims for the services of a rider will be adjusted by the stewards.

(b) Owners, trainers, racing officials, employees of the licensee, and employees of any party contracting with the licensee to furnish a racing associated service are not eligible to be licensed as jockey agents.

(c) A jockey agent shall not give to anyone directly or indirectly any information or advice pertaining to a race or engage in the practice commonly referred to as "touting" that would influence any person, or would tend to do so, in the making of a wager on the result of any race.

(3) Exercise Boys:

(a) Each exercise boy shall obtain a license from the Board before exercising any horses on the grounds of the race meeting.

(b) No exercise boy shall ride or exercise any horse on the race track without wearing a protective helmet which shall be approved by the Board.

(4) Grooms and Hotwalkers:

(a) Each groom and hotwalker shall obtain a license from the Board before acting in any capacity as groom or hotwalker on the grounds of a race meeting.

(5) Jockeys:

(a) Each jockey must obtain a license from the Board.

(i) All jockeys shall have a complete physical examination before being issued a license. A certificate from the medical doctor conducting the physical examination shall accompany the application for licensure. The stewards may in their discretion waive the requirement of a physical examination.

(b) No boy under the age of sixteen (16) years shall be granted a jockey's license.

(c) No boy shall be allowed to ride before applying for his first license.

(d) No jockey will be permitted to ride pending action on his application for license. A person who has never ridden in an official race may be granted a temporary license by the

stewards. The temporary license will permit the holder to ride two races. If the rider holding a temporary license rides two races to the satisfaction of the stewards, he may receive a regular jockey license.

(e) An apprentice jockey may be permitted to ride in the same race with professional jockeys.

(f) No licensed jockey shall be the owner or trainer of any race horse, except upon special permission from the Board.

(g) A jockey shall not ride or agree to ride in any race without the consent of the owner or trainer to whom he is under contract.

(h) Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of the scales.

(i) All jockeys shall faithfully fulfill all engagements in respect to racing.

(j) A jockey may not ride in any race against a starter of his contract employer unless his mount and his contract employer's starter are both in the hands of the same trainer.

(k) In riding a race a jockey must be neat in appearance. All riders must be dressed in clean jockey costumes, caps and jackets of silk or waterproof material, white breeches and top boots, unless otherwise approved by the stewards.

(l) It shall be mandatory that jockeys wear a protective helmet which shall be approved by the Board.

(m) The weight of the protective helmet shall not be included in the jockey's weight.

(n) The use of spurs or steel is prohibited.

(o) A jockey shall wear the standard colors for the post position of the horse he is riding except as otherwise ordered or permitted by the Board.

(p) A jockey shall wear a number on his arm and it and the saddle cloth number shall correspond to the number of the horse in the official program.

(q) Every jockey who is engaged in a race shall report to the scale room on the day of the race at the time required by the officials. He shall then report his engagements and overweight, if any, to the clerk of the scales, and thereafter, except with the permission of the stewards, shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until after his engagements of the day have been fulfilled.

(r) Before the commencement of a meeting or during the conduct of a meeting, the board of stewards may require that any jockey be examined by a licensed physician and may refuse to allow said jockey to ride until he successfully passes such examination.

(s) No jockey shall make a bet on any race, nor accept the promise, or the token of any bet, with respect to the race in which he is riding, except through or from the owner or trainer of the horse he rides, and then only on that horse.

(t) Jockey's riding fees, for a meeting must be approved by the Board. If any owner or trainer engages two or more jockeys for the same race, he shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee for the jockey who does ride. Jockey's fees shall be considered earned when the horse which he has been engaged to ride leaves the paddock for the post.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(u) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

(v) A jockey under temporary suspension shall not ride in a race for any one during the period of his suspension, except with the permission of the stewards he may ride out his stakes engagements. Said engagement or engagements must be in writing and filed with the Board prior to the omission of the offense for which said jockey is under suspension.

(aa) Jockeys while under temporary suspension in any other state shall not be permitted to ride stakes engagements in Montana unless the racing rules of that state permit said jockey to ride stakes engagements while under temporary suspension.

(ab) A jockey under temporary suspension may, with the approval of the Board, be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the race meet at night, but he shall be refused admission to any part of the racing course during such periods of time as the stewards may order.

(w) The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

(x) A forfeiture must be paid by the jockey himself and any other person paying it shall be subject to punishment.

(y) Every jockey may have one agent and no more. All engagements to ride, other than those for his contract employer, shall be made by his agent.

(z) Every owner or trainer claiming a first or second preference on a named jockey for a specified horse in a particular race shall obtain written proof of same from the jockey or his agent and present said proof at time of entry.

(al) No jockey shall have an attendant other than those provided by the licensee. Such attendants shall be paid from an assessment collected from the jockeys.

(bl) Employers retaining the same jockeys have precedence according to the priority of retainers as specified in the contracts.

(cl) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to proper weight, he may declare the weight he will carry.

(dl) If a jockey intends to carry overweight exceeding by more than two (2) pounds the weight which his horse is to carry, the owner or trainer assenting, he must declare the amount of overweight to the clerk of the scales at least forty-five (45) minutes before the time appointed for the race, and the clerk shall cause the overweight to be stated on the notice board immediately. Failure on the part of a jockey to comply

with this rule shall be reported to the stewards.

(el) Any overweight exceeding five (5) pounds may be approved by the stewards.

(fl) After a race has been run and after he has pulled up the horse he has ridden, the jockey shall ride promptly to the winner's circle and there dismount, after obtaining permission from the judges, and present himself to the clerk of the scales to be weighed in. If a jockey is prevented from riding his mount to the judge's stand because of an accident or of illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the stewards from weighing.

(gl) Except by permission of the stewards, every jockey must, upon returning to the placing judge's stand, unsaddle the horse he has ridden and no person shall touch the jockey or the horse, except by his bridle, nor cover the horse in any manner until the jockey has removed the equipment to be weighed.

(hl) No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(il) Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out. Thereafter he may hand it to his attendant.

(jl) Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of it by more than two (2) pounds his mount shall be disqualified.

(kl) If any jockey weighs in at more than two (2) pounds over his proper or declared weight, he shall be fined or suspended or ruled off at the discretion of the stewards, who shall have regard for any excess weight caused by rain or mud, and the case shall be reported to the Board for such action as it may deem proper to take.

(ll) No jockey shall take his horse back without reasonable cause, or intentionally ride wide on the turns, or otherwise cause his mount to lose ground when there is not reasonable cause for such loss, or otherwise ride in a manner which is inconsistent with using the best efforts of the horse he is riding.

(ml) Rough riding is defined as a deliberate act in violation of any riding rule, or any willful or wanton act which is the proximate cause of any racing accident or injury to any jockey or his mount during the running of a race. The stewards shall report to the Board any rough riding.

(nl) A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be penalized by the Board according to the gravity of the offense.

(6) Jockey Apprentices:

(a) Jockey apprentices shall be bound by all the rules

for jockeys, except insofar as said rules may be in conflict with the following specific rules for apprentices.

(b) Apprentice contracts entered into in the State of Montana must be made on forms supplied by the Board, and a copy shall be filed with the Board.

(c) A copy of all apprentice contracts, wherever entered into, must be filed with the Board.

(d) If an apprentice contract is transferred, said transfer must be approved by the stewards and registered with the Board by both the transferor and the transferee.

(e) No person shall be allowed to hold a contract on a jockey or apprentice jockey unless he is in control or possession of such a stable of horses as would in the opinion of the stewards of the meeting where the jockey or apprentice jockey makes application for license, warrant the employment of a contract jockey or apprentice jockey.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(f) An application for license as apprentice jockey shall be accompanied by (1) an original, notarized or photo-static copy of his agreement with his contract employer, (2) written proof of at least one year service with a racing stable and (3) birth certificate or satisfactory evidence of the date of birth.

(g) An apprentice jockey shall not be permitted to ride for any other than his contract employer without said employer's consent.

(h) Any person sixteen (16) years of age or over who has never previously been licensed as a jockey in any country and who has, of his own free will and, if underage, with the written consent of his parents or guardian, bound himself to an owner or trainer for a term of not less than three (3) nor more than five (5) years, by written contract approved by and filed with the Board, and after at least one (1) year service with a racing stable, may claim, in all overnight races except handicaps, the following allowances:

(i) Ten (10) pounds until he has ridden five (5) winners and seven (7) pounds until he has ridden an additional thirty (30) winners.

(ii) If he has ridden thirty (30) winners prior to the end of one year from the date of riding his fifth winner, he shall have an allowance of five (5) pounds until the end of that year.

(iii) After the completion of the conditions above, for one (1) year, he may claim three (3) pounds when riding horses owned or trained by his original contract employer, provided his contract has not been permanently transferred or sold since his first winner.

(iv) Any apprentice or contract rider shall be entitled to regular jockey fees except when riding a horse owned in part or solely by his contract holder. An interest in the winnings only, such as a trainer's purse, shall not constitute ownership.

(v) Under exceptional circumstances, such as inability of an apprentice to ride because of services in the armed forces of the United States, personal injuries in the conduct of his duty, restrictions on racing, or other valid reasons which interfere with the allowance of one year from riding his first winner, or the three period in riding forty winners, the Board may extend the terms of the contract and the allowances provided by the rules of racing.

(aa) In the case of inability of an apprentice to ride because of services in the armed forces of the United States, the Board will take jurisdiction only on such contracts as were executed and filed at the time of execution in this state.

(ab) All other extensions must be acted on by the Board of the state in which the original contract was filed.

(i) The original apprentice jockey contract shall be kept in full force and effect throughout its contract period. Any and all amendments to said contract must be made a part of

40-3.46(6)-S46000

PROFESSIONAL
AND OCCUPATIONAL LICENSING

it and either added to or attached to the copies in the possession of the parties and a like copy of said amendments sent to

the Board where the original contract is filed.

(7) Owners:

(a) Each owner shall obtain a license from the Board. Minors shall not be licensed as owners. Any application for owner's license must establish financial responsibility to the satisfaction of the Board. Failure to maintain financial responsibility shall be grounds for revocation of license.

(b) Owners shall be free to purchase feed and supplies on the open market.

(c) An authorized agent will be recognized as having authority to handle all matters pertaining to the stable for which he is authorized to act, and the acts of the agent shall be deemed the acts of the owner, and an owner shall accept responsibility for his agent's acts.

(d) All partnerships, and the name and address of every individual having any interest in a horse, the relative proportions of such interest, and the terms of any sale with contingencies, of any lease, or of any arrangement must be stated in writing, signed by all parties or by their authorized agents and be filed with the Board before any horse which is a joint property or which is sold with contingencies or is leased can start in any race, and all partners and each of them shall be jointly liable for all stakes and other obligations.

(i) All statements of partnerships, of sales with contingencies, of leases or of other arrangements shall declare to whom winnings are payable, in whose name the horse will run, and who has authority to enter or scratch the horse.

(e) Each stable name must be duly registered with the Board.

(f) In applying to race under stable name the applicant must disclose the identity or identities behind a stable name. If a partnership is involved in the identity behind a stable name the rules covering partnerships must be complied with.

(i) Changes in identities must be reported immediately to an approval obtained from the Board.

(ii) No person can use his real name for racing purposes, so long as he has a registered one.

(iii) A trainer, who is a licensed owner or part owner may use a stable name as owner or part owner. However, no trainer may be licensed as trainer other than in his legal name.

(iv) Any person who has been registered under a stable name may, at any time cancel it after he has given written notice to the Board.

(v) A stable name may be changed at any time by registering a new stable name and by paying the fee as required.

(vi) A person cannot register as his stable name one which has been registered by any other person with any licensee conducting a recognized meeting, or with the New York Jockey Club, or with another racing authority.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(vii) A person may not register as his stable name one which is the real name of any owner of race horses, nor which is the real name of any prominent person not owning race horses.

(viii) A stable name shall be plainly distinguishable from that of another duly registered stable name.

(vix) No stable name shall be used if in the judgment of the stewards it is being used for advertising purposes.

(g) Each owner shall register with the racing secretary at each track all of his horses, giving the name, color, sex, age and breeding of each and shall deposit therewith the official New York Jockey Club registration on each. He shall also state the name of his trainer or trainers.

(h) If an owner changes trainers, he must notify the Board and obtain the new trainer's signature on his owner's registration form.

(i) No owner shall employ a jockey for the purpose of preventing him from riding in any race.

(j) No owner shall accept, directly or indirectly, any bribe, gift, or gratuity in any form which might influence the result of any race or races or tend to do so.

(k) No owner shall employ in any capacity any person under sixteen (16) years of age, nor shall he employ anyone not licensed by the Board.

(l) No owner or his representative shall employ a veterinarian who is not licensed as such by the State Board of Veterinarians.

(m) The personnel of every stable and all additions thereto shall be registered by the owner with the Board within 24 hours after employment or discharge.

(8) Platers (Farriers, Shoers, Blacksmiths):

(a) Each plater, shoer or blacksmith shall obtain a license from the Board before practicing his trade on the grounds of the race meeting.

(b) A horse starting in a race shall not be shod with ordinary or training shoes, except by permission of the stewards.

(c) Bar plates may be used only with the consent of the stewards and their discontinuance must be approved by the stewards.

(d) A horse starting in a race shall be shod with racing plates unless otherwise approved by the stewards.

(9) Pony Boys:

(a) Each pony boy and outrider shall obtain a license from the Board and no person shall be allowed to pony horses or lead horses in a post parade without first obtaining a pony boy's license, except a trainer, who may pony horses trained by him without a pony boy or outrider's license.

(b) No pony boy or outrider shall pony or parade any horse on the track without wearing a protective helmet which shall be approved by the Board.

(c) The stewards may require prior permission to lead a horse in a post parade.

(d) At no time shall lead horses be permitted to enter

the paddock nor shall outriders or pony boys be allowed to pick up horses in front of the judge's stand after a race has been run

(10) Trainers:

(a) Each trainer shall obtain a license from the Board. Minors shall not be licensed as trainers. Any application for trainer's license must establish financial responsibility to the satisfaction of the Board. Failure to maintain financial responsibility shall be grounds for revocation of license.

(b) Trainers shall be free to purchase feed and supplies on the open market.

(c) Each trainer shall, upon making an entry, furnish the name of the jockey who rides his horse, or if this is not possible, he shall furnish it not later than scratch time the day of the race. If no jockey has been named by that time, the stewards shall name a rider and he shall ride the horse.

(d) A trainer or owner claiming a first or second preference on a jockey for a specified horse in a particular race shall obtain written proof of same from the jockey or his agent and present said proof at time of entry.

(e) If a named rider is not available to ride for any reason whatsoever, the trainer shall be immediately notified and may select a substitute jockey from those then available, provided however, the steward may select a substitute jockey if the trainer fails to act within a reasonable time or is unavailable to act in an emergency.

(f) The trainer shall be absolutely responsible for the condition of every horse he enters regardless of the act of third parties.

(g) A trainer may represent the owner in the matter of entries, declarations and the employment of jockeys.

(h) A trainer shall have his horse in the paddock at the time appointed.

(i) A trainer shall attend his horse or horses in the paddock, and shall be present to supervise the saddling, unless he has obtained from the steward permission to send another licensed trainer as substitute.

(j) When a trainer is to be absent from his stable or the grounds where his horses are racing for a period of more than two (2) racing days, and his horses are entered or are to be entered, he must provide a licensed trainer to assume the complete responsibility of the horses he is entering or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the Board accepting complete responsibility of the horse or horses to be entered or raced.

(k) Each trainer shall register with the racing secretary all the horses in his charge, giving the name, age, sex, breeding, and ownership of same.

(l) Each trainer shall register with the Board every person in his employ and he shall be responsible for all his employees securing occupational licenses.

(m) Each trainer shall require every jockey and exercise boy to wear a safety helmet when exercising horses for

him. The safety helmet shall be of type approved by the Board and any changes in the helmet must be approved in writing by the stewards.

(n) A trainer shall not have in his charge or under his supervision any horse owned, in whole or in part, by a disqualified person.

(o) No trainer shall accept, directly or indirectly any bribe, gift or gratuity in any form which might influence the result of any race or which would tend to do so.

(p) No trainer shall move or permit to be moved any horse or horses in his care from the grounds of a race meeting without written permission from the stewards.

(q) No trainer shall employ a jockey for the purpose of preventing him from riding in any race.

(r) A trainer shall report promptly to the racing secretary and to the track veterinarian any and all sickness of any horse or horses under his care or under his supervision.

(s) A licensed trainer may pony the horses he trains and may lead any horse which is in his care or under his supervision in the post parade prior to a race without obtaining a pony boy or outriders license.

(t) Trainers acting as pony boys or outriders for the horses they train shall be obligated to observe the same rules of conduct as licensed pony boys and outriders, see MAC 40-3.46(6)-S46000(9).

(u) No trainer shall employ in any capacity any person under sixteen (16) years of age, except as may be permitted by the applicable laws of Montana nor shall he employ anyone not licensed by the Board.

(v) No trainer or his representative shall employ a veterinarian who is not licensed as such by the State Board of Veterinarians.

(w) The trainer or his authorized representative must be present in the testing enclosure when a saliva, urine or other specimen is taken from his horse and must remain until the sample tag attached to the specimen shall be signed by the trainer or his representative as witness to the taking of the specimen.

(x) The trainer is obligated to protect the horses in his care against the administration of any substance which could affect the performance of a horse in a race.

(y) The trainer shall be absolutely responsible for the condition of any horse he enters in a race as disclosed by any test and/or analysis conducted by an approved chemist.

(z) A trainer shall not enter or start a horse that is not in serviceably sound racing condition, is a known bleeder, has been trachea-tubed, has been nerved by alcohol block or otherwise, except a horse that has had a digital neurectomy may be permitted to race subject to a pre-race veterinary examination; has impaired eyesight in both eyes, or has been administered any narcotic, stimulant, depressant, local anaes-

thetic, analgesic, or any derivative or compound thereof or any substance that interferes with the testing or masks.

(11) Veterinarians:

(a) Each veterinarian shall be approved by the Board and shall obtain a license from the Board before he may practice his profession on the grounds of a race meeting. He shall not be eligible to hold a license to train horses while being licensed to practice veterinary medicine on the grounds of a race meeting.

(b) There shall be no hour limitation relative to medication. No medication shall be administered other than in the barn area during the course of a licensed race meeting.

(c) Any licensed veterinarian who administers or makes available for administration by external application, ingestion, or injection or by any other means any material or substance to a horse stabled at a licensed race meeting shall complete and sign, in triplicate, a form to be furnished by the Board, which form shall name and identify the horse and the stall number where stabled, identify the owner, trainer or other person requesting the medication, specify the medication given, state the hour and day given, and the dosage, purpose and generic name of the medication used.

(i) The original medication report form shall be left with the owner, trainer or person requesting treatment of the horse, the first copy shall be filed with the state steward by 9:00 a.m. of the day following such administration, and the second copy shall be retained by the veterinarian administering the medication.

(ii) This rule shall not apply to water, heat or cold treatment or to customary liniments or salves, provided the same be applied externally only.

(12) Custodian of Jockey Room:

(a) It shall be the duty of the custodian to see that order, decorum and cleanliness are maintained at all times in the jockey and scale rooms.

(b) No person, other than racing officials and the necessary attendants shall be allowed in the jockey room without express permission of the stewards. (History: Sec. 82A-1605, 62-505,506 R.C.M. 1947; IMP 62-505,506 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-1; Order MAC No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-183,184,187,188.)

40-3.46(6)-S46010 GENERAL CONDUCT OF RACING (1) No horse may enter or start unless a registration certificate is first filed with the racing secretary.

(2) All thoroughbred horses shall be registered with the New York Jockey Club.

(3) The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for quarter horses.

(4) Other officially recognized breeds must be regis-

HORSE RACING

40-3.46(6)-S46010

tered with their officially sanctioned breeding or registry

PROFESSIONAL
AND OCCUPATIONAL LICENSING

associations and each association must be approved by the Board before the registration certificate issued by said association will be accepted for purposes of entering and starting in a race.

(5) The rules of the Board shall govern all races regardless of the breed of horse or type of race insofar as they are applicable. When not applicable the stewards may enforce the rules of the appropriate, recognized and approved association as long as such rules are not inconsistent with the rules of the Board.

(6) For the purpose of encouraging the breeding within the state of valuable thoroughbreds, quarter horses, appaloosa and other pure-bred registered horses, at least one (1) race each day at each race meeting shall be limited to Montana bred horses. If sufficient competition cannot be obtained among the Montana bred horses said race may be eliminated for the day and a substitute race provided.

(a) A sum equal to ten percent (10%) of the first money of every purse won by a Montana bred horse shall be paid by the licensee conducting the race meeting to the breeder of such horse. Such amount shall be paid within thirty (30) days after the conclusion of the race meeting each year. Such amount shall not be deducted from the advertised purse.

(b) Licensees shall recognize as Montana bred any horse whose registration papers indicate that such horse was foaled in Montana. In the absence of positive identification of where the horse was foaled appearing on the registration papers, the owner must file with the Board satisfactory written evidence showing that the horse was foaled in Montana before the horse may be entered in a Montana bred race, or may claim a breeders allowance or a Montana bred weight allowance.

(c) All two and three year old Montana bred horses shall be allowed a weight allowance of five (5) pounds. All Montana bred horses older than three (3) years shall be allowed a weight allowance of five (5) pounds in all races except handicaps and stakes.

(d) When six (6) horses are entered in a Montana Bred Race under six (6) separate interests, such race shall be considered filled and shall be run. If a race is cancelled through a lack of that number of entries the names of all horses entered in such cancelled race shall be immediately posted by the racing secretary. No race shall be cancelled without the approval of the stewards.

(7) In making an entry for a produce race, the produce is entered by specifying the dam and the sire or sires.

(a) If the produce of a mare is foaled before the first day of January of the year specified, or if there is no produce the entry of such mare is void.

(b) In produce races, allowances for the produce of untried horses must be claimed before the time of closing and are not lost by subsequent winnings.

(8) If a stakes race is declared off, all subscription and entrance fees paid in connection with that race shall be refunded.

(9) Entries and declarations shall be made in writing and signed by the owner of the horse, or his authorized agent or some person deputed by him and each race meeting shall provide blank forms on which entries and declarations are to be made.

(10) Entries may be made by telephone or telegraph but must be confirmed in writing.

(11) No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner.

(12) Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeitures.

(13) If entered for the first time, a horse shall be identified by stating his name, color, sex and age, and the name of his sire and dam, as registered. This description must be repeated in every entry until a description of the horse with his name has been published in the official program or the list of entries of the race meet, or in such other publication as the Board may designate. In every entry after such publication, his name, color, sex and age will be sufficient.

(a) No horse shall be allowed to start in any race unless it has been tattooed and fully identified. The stewards may waive the tattoo requirement provided the horse is otherwise fully identified.

(14) No horse shall be allowed to start in any race that has not been fully identified and the Certificate of Registration properly endorsed to the current owner and on file in the office of the racing secretary. The stewards also may require that the Certificate of Registration be on file at the time of entry.

(15) A horse which, during the past calendar year has started in a race which is not reported in the Daily Racing Form Monthly Chart Book shall not be entered at a Montana track unless and until the owner or trainer shall have furnished to the racing secretary at least thirty-six (36) hours prior to such entry, performance records as hereinafter designated. Such performance records shall show where and when said horse raced in his last three starts, the distance of each, the weight carried in each, amount earned in each, said horse's finishing position in each and the official time in each. Such performance records furnished to the racing secretary shall be signed by the owner or trainer of the horse.

(16) If the name of a horse is changed, the new name, together with the former name, shall be published in the official entries for the first three starts after the change has been made. No change of names will be acceptable unless first granted by the New York Jockey Club, the American Quarter Horse Association or other registry under which the horse is registered. Violation of any part of this rule shall cause the horse to be named a "ringer" and the horse and all persons connected with the violation shall be ruled off.

(17) No horse shall be permitted to enter or to start unless he is in the care of and is saddled by a licensed trainer.

(18) No horse shall be permitted to start that has not

been fully identified. Responsibility in the matter of establishing either the identity of a horse or his complete and actual ownership shall be as binding on the persons so identifying or undertaking to establish as it is on the person having

the horse requiring identification and the same penalty shall apply to them in case of fraud or attempted fraud.

(19) All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with racing secretary, before the horse shall start, as shall every change in ownership thereafter during the meeting.

(20) All horses must be eligible to start at time of entry.

(21) No maiden six (6) years old or older shall be eligible to enter or start in any race. For purposes of this rule only a maiden is a horse which at the time of starting has never won a race on the flat in any country.

(22) An owner or trainer shall not enter, start or request stalls for horses thirteen (13) years of age or older.

(23) No horse involved in a partnership shall be permitted to enter or start until the rules for the registration of partnerships have been complied with.

(24) A horse shall not be qualified to be entered or to start in any race if owned in whole or in part, or if under the management, directly or indirectly of a disqualified person.

(25) If any entry from any disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five (45) minutes before post time for the race. Otherwise, any such money shall be paid to the winner.

(26) No entry shall be accepted from husband or wife, while either is disqualified.

(27) No horse on the starter's schooling list shall be entered for a race.

(28) No horse on the veterinarian's list shall be qualified to enter, or to start.

(29) If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

(30) No trainer may enter more than two horses in a purse race or overnight event. A trainer may enter and start two horses in a purse race or overnight event of separate ownership. When making a double entry in the same ownership the owner or trainer must express a preference, and in no case may two horses start in the same ownership to the exclusion of a single entry.

(a) If a race is divided or split into two or more divisions, horses under the same ownership or trainership shall be placed in separate divisions, but the division in which they compete shall be drawn by lot.

(b) The stewards shall have the discretion to split trainer entries, if the entries have different owners, for stake races for the purpose of wagering.

(31) The licensee shall have the right to withdraw or change any unclosed race.

(32) If a race is declared off because of insufficient entries, the licensee may split any overnight race which may have closed and cause a new drawing for post positions.

(33) An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.

(34) A horse shall not become a starter for a race unless there has been duly paid any stakes or entrance money payable in respect to that race.

(35) Entrance money is not refunded on the death of a horse, or his failure to start.

(36) The nominator is liable for the entrance money or stake, and the death of a horse or mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes, and the entrance money to a purse that is run off shall not be returned on the death of a horse or its failure to start for any cause whatever.

(37) Entries shall be closed at an advertised time, and no entry accepted thereafter. The racing secretary, however, with the consent of the stewards may postpone closing of overnight races.

(38) In the absence of notice to the contrary entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the racing secretary, who shall make provision therefor. Closing at all other times for sweepstakes shall be at the office of the race meet.

(39) When an hour for closing is designated, entries and declaration for sweepstakes cannot be received afterwards; but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(40) If a miscarriage of any entry or declaration in a stakes is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.

(41) Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

(42) No alterations shall be made in any entry after closing of entries, but an error may be corrected.

(43) If the number of entries to any purse race is in excess of the number of starters for the race that may, because of limitations, be permitted to start, the post positions and the starters for the race shall be determined by lot in the presence of those making the entries. Four of those not drawn may be placed on the overnight sheet as also eligible. In the event that any of the first group of starters declare out, horses shall be drawn from the group of also eligibles to fill the vacancies in the race.

(44) Any horse which is entered and has drawn a post position in a race shall be termed an "in today" horse. Any "in today" horse shall not be eligible to enter for the following calendar day to the exclusion of any other horse.

(45) A horse on the also eligible list shall not be considered as an "in today" horse until it has actually been drawn into the race and given a post position.

(46) A horse drawn as an also eligible may be re-entered the following day, and should it draw a post position in a race it becomes an automatic scratch from the eligible list for the previous day.

(47) The racing secretary may divide a race and take double entries, in which case the double entry shall have preference over an "in today" horse.

(48) If the entries exceed the number required for a full field and an also eligible list, the racing secretary shall keep a list of horses eliminated from the race, and they are to have precedence in any race of similar distance and similar conditions, in which they may be afterward entered and each subsequent time that a horse is so eliminated he shall gain an advance position on the preferred list.

(49) A copy of the preferred list shall be posted each afternoon of entries and any claim of error must be made by 8:00 a.m. the following day, and no claim of error not made within the prescribed time will be recognized by the stewards. In entering horses on the preferred list a claim of preference must be made at time of entry and noted on the entry blank or the preference shall be lost and no claim of error will be considered by the stewards if the person making the entry has signed the entry blank.

(50) If a scratch card is deposited for a horse listed as also eligible the horse shall lose its position on the preferred list.

(51) Horses excluded as part of an entry shall not receive a place on the preferred list.

(52) Any horse which is withdrawn from a race after the overnight entries are closed shall be deemed a scratch and shall lose all accrued preference up to that date.

(53) Scratch time shall be 7:00 a.m. the morning of the day scheduled for the running of the race from which the scratch is made. A licensee may request a different scratch time, for good cause shown. Any change in scratch time may be approved by the stewards.

(54) Preferred list preference is waived if not claimed at time of entry.

(55) The racing secretary may in event a stakes or handicap does not fill, replace such race with an overnight race carrying a guaranteed purse consistent with the daily average purse.

(a) If the racing secretary declares a race off, the names of entrants in that race shall be posted on the official bulletin board that day, identifying the race by number as it appears in the condition book.

(56) Post positions shall be determined publicly by lot in the presence of the racing secretary or his assistant. After a regularly carded horse or horses have been excused from the race, all horses shall move up in post position order.

(a) Horses shall take their position at the post in

order in which their names have been drawn, beginning from the inside rail, but unruly horses or horses known to be dangerous in the gate may be placed on the outside, if approved by the starter.

(57) Winnings shall include all purse money or prizes up to the time appointed for the start, and shall apply to all races in any country, and embrace walking over or forfeit, but not second, third, fourth or less nor the value of any prize not in money or paid in money. Winnings during the year shall be reckoned from January 1 preceding. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.

(a) Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winnings.

(b) The entrance money, starting and subscription fees in every race shall go to the winner unless otherwise provided in its conditions, but if for any reason a race is not run, all stakes or entrance money shall be returned.

(58) Weight — Penalties and Allowances:

(a) The following weights are carried when they are not otherwise stated in the conditions of the race:

SCALE OF WEIGHT FOR AGE

Distance	Age	June	July	Aug.	Sept.
Half mile	2 yrs.	...	...	105	108
	3 yrs.	123	125	126	127
	4 yrs.	130	130	130	130
	5 & up	130	130	130	130
6 furlongs	2 yrs.	...	...	102	105
	3 yrs.	121	123	125	126
	4 yrs.	130	130	130	130
	5 & up	130	130	130	130
1 mile	2 yrs.	...	...	...	96
	3 yrs.	115	117	119	121
	4 yrs.	126	126	126	126
	5 & up	126	126	126	126
1 mile & 1/4	2 yrs.	...	...	...	...
	3 yrs.	113	116	118	120
	4 yrs.	126	126	126	126
	5 & up	126	126	126	126
1 & 1/2 miles	2 yrs.	...	...	...	...
	3 yrs.	111	114	117	119

PROFESSIONAL AND OCCUPATIONAL LICENSING

Distance	Age	June	July	Aug.	Sept.
1 & 1/2 miles	4 yrs.	126	126	126	126
	5 & up	126	126	126	126
2 miles	2 yrs.	...	...	...	...
	3 yrs.	109	112	114	117
	4 yrs.	126	126	125	125
	5 & up	126	126	125	125

(b) In races of intermediate lengths, the weights for the shorter distance are carried.

(c) In all races except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three (3) lbs. and mares three years old and upward are allowed five (5) lbs. and before the 1st of September and three (3) lbs. thereafter.

(d) In all overnight races for two-year-olds, for three-year-olds or for four-year-olds and upward, the minimum weights shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps or to races written for three-year-olds and upward.

(e) No horse shall carry extra weight, nor be barred from any race for having run second or in any lower place in a race.

(f) Penalties and allowances for weight are not cumulative, unless so declared by the conditions of the race.

(g) No horse shall receive allowance of weight or be relieved from extra weight for having been beaten in one or more races, provided that this rule shall not prohibit maiden allowances or allowances to horses that have not won within a specified time, or that have not won races of a specified value.

(59) Declarations and Scratches:

(a) No horse shall be considered scratched or declared out of an engagement until the trainer or his authorized agent or some person deputized by him shall have given due notice in writing to the racing secretary before the time stipulated by the regulations of the licensee.

(b) For stake races, if a horse is not named through the entry box the day before the race at the usual time of closing, the horse is automatically out.

(c) The declaration of a horse out of an engagement is irrevocable.

(d) All horses must be scratched at the designated scratch time.

(e) If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise the declaration shall not be accepted as of the time alleged.

(f) Any trainer who has entered a horse, will be al-

lowed the right and privilege of scratching from said race prior to scratch time, until there remain in the race only eight interests. If there are more requests to withdraw than are available, permission to withdraw shall be decided by lot. However, in all races involving the Daily Double, no entry may be withdrawn than would reduce the starting field to less than the number designated by the racing secretary, without permission of the stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, or other cause acceptable to the stewards.

(g) Quarter Horses which gain a position in a race from the also-eligible list shall take the stall of the horse declared out or scratched on straightaway races only.

(60) Claiming:

(a) In claiming races any horse is subject to claim for its entered price by an owner registered in good faith for racing at that meeting or by a licensed authorized agent for the account of such owner, provided such owner has started a horse at that meeting (inclusive of the race in which the claim is made) provided, however, that no person shall claim his own horse, or cause his horse to be claimed directly or indirectly for his own account.

(b) No person shall claim more than one horse in any race.

(c) No authorized agent, although representing several owners, shall submit more than one claim for any one race.

(d) When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

(e) A claimed horse shall not enter for thirty (30) days after being claimed in a race which the determining eligibility price is less than twenty-five percent (25%) more than the price at which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day, so the horse may start on the 31st calendar day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper.

(f) If a horse is claimed it shall not be sold or transferred to any one wholly or in part, except in a claiming race, for a period of thirty (30) days from date of claim, nor shall it, unless reclaimed, remain in the same stable or management of its former owner or trainer for a like period.

(g) A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed except by permission of the stewards at the meeting where the horse was claimed.

(h) The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be the amount so designated. Should more than one claim be filed for the same horse, the disposition of the

horse shall be determined by lot under the direction of one or more of the stewards or their representative.

(i) All claims must be made in writing, on forms and in envelopes furnished by the race meeting and approved by the Board. Both forms and envelopes must be filled out completely and must be sufficiently accurate to identify the claim, otherwise the claim will be void.

(j) No money shall accompany the claim. Each person desiring to make a claim, must first deposit with the licensee the whole amount of the claim in cash, certified check or money order for which a receipt will be given unless at the time of depositing said claim he shall have such amount to his credit with the licensee.

(k) In claiming races not more than two horses in the same interest or under the control of the same trainer can start. The foal certificate of a claimed horse must remain in the racing secretary's office until the new owner removes the horse from the track.

(l) All claims shall be deposited in the claiming box at least thirty minutes before the established post time of the first race of each day.

(m) No official or other employee of any race meeting shall give any information as to the filing of claims until after the race has been run.

(n) All claims shall be passed upon by the stewards, or their designated representatives. When a claim has been filed it is irrevocable and at the risk of the claimant.

(o) A horse claimed shall not be delivered by the original owner to the successful claimant, until authorization shall be given by the stewards, and every horse so claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from the time said horse becomes a starter and said successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, injured during the race or after it.

(p) The stewards may, at any time, in their discretion require any person making a claim for a horse in any claiming race, to make affidavit in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.

(q) No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race. Any horse not delivered to the person legally entitled thereto shall be disqualified from racing until delivery is made.

(i) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race; nor shall any person attempt, by intimidation, to prevent any one from running a horse in any race for which it is entered; nor shall any owner or trainer running horses in any claiming race make any

agreement for the protection of each other's horses.

(r) No mare shall be entered in a claiming race when there are any unpaid stud fees against her.

(s) When a stable has been eliminated by claiming, the owner so affected (if he has not acquired a horse or horses before the close of the meeting) may obtain a certificate from the stewards of the meeting and on presentation of that certificate, the owner shall be entitled to claim during the next thirty (30) racing days at any recognized meeting in this state until he has claimed a horse. Stables eliminated by fire or other hazards may also be permitted to claim this rule at the discretion of the stewards.

(t) Should any stable registered at a meeting be eliminated by sale or removal from the grounds, the right to claim is void.

(u) Should the stewards, within twenty-four (24) hours after the running of a race be of the opinion that the lease, sale or entry of a horse was not made in good faith but was made for the purpose of obtaining the privilege of entering a claim, then in such case they may disallow or cancel any such claim and order the return of a horse that may have been delivered and refer the case to the Board for further action.

(v) Title to a claimed horse shall be rested in the successful claimant from the time said horse leaves the paddock for the starting post, and said successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound, or injured before, during, or after the race. A claimed horse shall run in the interest and for the account of the owner from whom claimed.

(w) When a registered quarter horse is claimed the racing secretary shall collect a transfer fee from the claimant, which shall be forwarded to the American Quarter Horse Association, Amarillo, Texas, together with the registration certificate, written report of the race showing the date of the race, and the name and address of the person claiming the horse. Upon receipt of such fee, certificate, and report, the Association shall make the transfer without report signed by the registered owner.

(x) Any registered quarter horse claimed in Montana will be permitted to race for the duration of the meet at which the horse was claimed, with a registration certificate in the name of the prior owner if the transfer attached thereto adequately indicates the present ownership. The registration certificate will be sent to the American Quarter Horse Association at the conclusion of said meet.

(61) Walking Over:

(a) If, at the time for saddling, only one (1) horse shall have weighed out, that horse shall be ridden past the judge's stand to go to the post and then move over the course. He shall then be deemed the winner. In case of a walkover the horse walking over shall receive:

(i) In overnight races, one-half of the winner's right-

ful share of first money.

(ii) In stakes races, one half of the winner's share of the added money, plus all nomination, sustaining, subscription and entry fees.

(b) In case of a walkover, any money or prize which by the conditions of the race would have been awarded to a horse placed second or lower in the race, shall, if contributed by the owners, be paid to the winner. If it is a payment from any other source, it shall not be awarded.

(c) In case of a walkover involving an entry of two or more horses and the horses move over the course, these rules apply as to the division of the purse.

(62) Paddock To Post:

(a) Horses must be in the paddock at least 20 minutes before post time.

(b) Permission must be obtained from a steward to exercise a horse between races unless the horse is being warmed up on the way to and just prior to entering the paddock for the next race to be run. When a horse is being so warmed up before entering the paddock, his official program number shall be displayed by the rider.

(c) In a race each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number on head and saddlecloth with a distinguishing letter. For example 1-1A. In the case of a field the horses comprising the field shall carry an individual number, i.e. 9, 10, 11, 12, and so on.

(d) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

(e) In case of accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

(f) All horses shall parade, and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the stewards' stand.

(g) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand twice, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post they shall be started without unnecessary delay.

(h) If a jockey is injured on the way to the post so

as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.

(i) No person shall willfully delay the arrival of a horse at the post.

(j) No person other than the rider, starter, or assistant starter shall be permitted to strike a horse, or attempt by shouting or otherwise to assist it in getting a start.

(k) Whips and/or blinders may be used on two year olds and other first starters if such use is approved by the official starter and/or the stewards prior to the time of entry. The absence of whips shall be made known by the announcer prior to the start of the race.

(63) Post to Finish:

(a) No horse shall be whipped the first thirty (30) yards away from the gate.

(i) When clear, a horse may be taken to any part of the course, however, crossing or weaving in front of contenders may constitute interference or intimidation for which the offender may be disqualified and the jockey disciplined.

(b) A horse crossing another so as actually to impede him is disqualified, unless the impeded horse was partly in fault, or the crossing was wholly caused by the fault of some other horse or jockey.

(c) If a horse or jockey jostle another horse, the aggressor may be disqualified, unless the jostled horse or his jockey was partly at fault or the jostle was wholly caused by the fault of another horse or jockey.

(d) If a jockey willfully strikes another horse or jockey or uses his whip in a manner to impede another horse or rides carelessly so as to injure another horse or jockey, when the other horse or jockey is no way at fault, or so as to cause other horses to do so, his horse may be disqualified and the jockey disciplined. A jockey shall not strike the horse he is riding in the head nor shall he otherwise abuse the horse he is riding.

(e) When a horse is disqualified under this rule any other horse or horses in the same race coupled as an entry may be disqualified.

(f) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before or immediately after his jockey has passed the scales. But nothing in this rule shall prevent the stewards from taking cognizance of any foul.

(g) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the stewards before any decision is made by them.

(h) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled may be disciplined.

(i) All horses are expected to give their best efforts in races in which they run, any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplin-

ary action by the stewards and the Board.

(j) If a horse, during the running of a race, becomes crippled or otherwise obviously unable to finish (broken bone, profuse bleeding or any other disabling condition), he shall be dismounted, unsaddled and removed from the track without passing the stand. Jockey in this case will not be required to weigh in.

(64) Objections - Protests:

(a) A protest except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer, or jockey of a horse engaged in the race over which the protest is made or by a racing official of the meeting.

(b) A protest involving fraud may be made by any person.

(c) A protest except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant and filed with the stewards before post time of the race in question.

(d) To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in this rule shall affect the rule for races run at a wrong distance as compared with the official program.

(e) To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

(f) If a jockey wishes to protest a happening in a race, he must notify the clerk of the scales immediately upon his arrival at the scales for weighing in.

(g) Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be held by the licensee until the protest is determined.

(h) A protest may not be withdrawn without permission of the stewards.

(i) No person shall make frivolous protests.

(j) The stewards shall keep a record of all protests and complaints and of any action taken thereon and shall report both daily to the Board.

(k) In the event of mechanical failure or interference during the running of a race which affects the majority of horses in such race, the stewards may declare the race as no contest. Any wagers on such races called off, cancelled, or declared as no contest shall be refunded, and no purse, prize or stakes shall be awarded. A race shall be cancelled if no horse covers the course.

(65) Dead Heats:

(a) When two or more horses run a dead heat, the dead heat shall not be run off.

(b) The owners of the horses in a dead heat shall di-

vide equally the purse money involved.

(c) If a dead heat is for first place, each horse shall be considered as winner of the amount received according to the preceding.

(d) When a dead heat is run for second place and an objection is made to the winner of the race and sustained, the horses which run the dead heat shall be deemed to have run a

dead heat for first place.

(e) Owners shall divide equally all monies and other prizes and if no agreement can be reached as to which of them should receive a cup, plate, or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards. (History: Sec. 82A-1605, 62-505, 506 R.C.M. 1947; IMP, 62-505, 506 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-194,195,196,205.)

40-3.46(6)-S46020 MEDICATION (1) The Board may require the licensee to set apart a building or other enclosure in a building in a location acceptable to the Board containing such facilities for medication or other test of horses as may be required by the Board.

(2) All horses entered in races held under these rules may be subject to inspection by the track veterinarian at any time before or after a race. After each race whenever possible a urine sample shall be collected from each winning horse and such other horses as may be designated by the stewards. Such samples shall be designated as official samples and they shall be sealed in the presence of the trainer or his authorized representative and an official receipt signed by such person to indicate that the sample is a true and proper sample from the horse in question shall be given.

(3) The stewards of the meeting may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of saliva, urine and/or blood as shall be directed, as well as for an examination for "sponging" and such other examination as may be directed.

(4) The trainer or his authorized representative must be present in the testing enclosure when saliva, urine, or other specimen is taken from his horse, and must remain until the sample tag attached to the specimen shall be signed by the trainer or his representative as witness to the taking of the specimen. Willful failure to be present at or refusal to allow the taking of any such specimen, or otherwise to interfere therewith, shall subject the person or persons guilty thereof, to immediate disciplinary action by the stewards of the meeting and the matter shall be referred to the Board for such further action as in their discretion they may determine.

(5) All specimens taken by or under the direction of the track veterinarian or other authorized representative of the Board shall be delivered to the laboratory approved by the Board for official analysis. Each specimen shall be delivered to the laboratory approved by the Board for official analysis. Each specimen shall be marked by number and date and may also bear such information as may be essential to its proper analysis; but the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey, or the stable shall not be revealed to the laboratory.

(a) The container of each specimen shall be sealed as soon as the specimen is placed therein, and each such seal

shall beat the name of the race meet.

(6) The official veterinarian, the Board, the stewards or their authorized representatives may take samples of any medicines, feeds or other materials suspected of containing substances which might affect the performance of a horse in a race which may be found in the stables or elsewhere on the premises of a licensee, or in the possession of any person on the premises of the licensee.

(7) The trainer, groom and any other person having charge, custody or care of horses racing on any track under the jurisdiction of the Board are obligated to protect the horses in their care against the administration of any substance which could affect the performance of a horse in a race. Failure to protect any horse may result in any penalty deemed proper by the stewards and the matter may be referred to the Board.

(8) The trainer shall be absolutely responsible for the condition of any horse he enters in a race as disclosed by any test and/or analysis conducted by an approved chemist.

(9) Possession of any material or substance, for human or animal use, not approved by the U. S. Food and Drug Administration or use of such material or substance on a horse by external application, ingestion or injection or in any other manner is prohibited.

(10) There shall be no hour limitation relative to medication. No medication shall be administered other than in the barn area during the course of a licensed race meeting.

(11) Any licensed veterinarian who administers or makes available for administration by external application, ingestion or injection or by any other means any material or substance to a horse stabled at a licensed race meeting during the course of the race meeting shall complete and sign, in triplicate, a form to be furnished by the Board, which form shall name and identify the horse and the stall number where stabled, identify the owner, trainer or other person requesting the treatment, specify the substance, material or medication given or used, shall state the hour and day given, and the dosage, purpose and generic name of the material, substance or medication used.

(a) The original medication report form shall be left with the owner, trainer or other person requesting the treatment of the horse; the first copy shall be filed with the state steward by 9:00 a.m. on the day following such administration; and the second copy shall be retained by the veterinarian administering the medication.

(b) This rule shall not apply to water, heat or cold treatment or customary liniments or salves, provided the same be applied externally only, see MAC 40-3.46(6)-S46020(15).

(12) Should any analysis made by any chemist approved by the Board, of any urine, saliva, blood or other sample taken from a horse entered in a race, before or after the race, prove positive, i.e. show the presence of any narcotic, stimu-

lant, depressant, or any derivative or compound thereof, or any other identifiable drug or ingredient, the chemist shall report the positive test in the manner described. The approved chemist shall send an original and a duplicate signed copy reporting the results of such analysis and/or test he has conducted to the office of the Board. The Board secretary shall file the original and immediately mail the duplicate copy to the state steward.

(a) The state steward shall not authorize purse payment of a race until he has received a report from the approved chemist. If the report shows a positive test indicating the presence of a forbidden substance the purse shall not be released until ordered by the Board after hearing the case.

(b) When the stewards receive a written report from the chemist that a positive urine or other test has been found, they shall at once summon the trainer and such security officer or officers of the Racing Association as they choose to assist them, to contact the foreman of the stable, the groom or grooms, and any other employees of the trainer who may have had contact with the horse from which a positive test was obtained. The trainer, foremen, grooms, and such other employees shall appear before the stewards.

(c) After the stewards have informed the trainer of the positive test they shall request the security officer or officers whom they have chosen to assist them to accompany the trainer to the stable and to conduct in the presence of the trainer, a thorough search of the trainer's barn, automobile, and any other vehicles which he may have in his possession or under his control.

(d) As a result of the evidence gather, the stewards shall inform the trainer as follows: (1) that his case is being referred to the Board and that until the Board hears the case he will be able to continue with his business, except that he may not enter the horse from which the positive test was obtained, until the Board has finally disposed of the matter; or, (2) that he has been suspended and that his case has been referred to the Board. In this case none of the horses in the trainer's custody shall be allowed to start until such time as the Board has finally disposed of the matter or until the horses have been turned over to other trainers approved by the stewards.

(e) The stewards, as soon as they have completed their investigation, shall forward to the Board written transcripts of all statements, together with all relevant documents and other items of evidence, in order that they may be used by the Board in conducting its hearing.

(f) The stewards shall inform the licensee concerned as expeditiously as possible of their actions and that the matter has been referred to the Board.

(13) The use of any narcotic, stimulant, depressant, local anaesthetic, analgesic, or any derivative or compound

thereof is forbidden except by a licensed veterinarian. Any substance that interferes with the testing or analysis and any substance that masks the presence of a narcotic, stimulant, depressant, local anaesthetic, analgesic or any derivative or compound thereof is forbidden.

(14) Any trainer, groom, owner, veterinarian, or other person found to be responsible for administering or permitting to be administered to any horse entered to be raced, any forbidden substance as shown by the test and/or analysis of the approved chemist shall be subject to a fine, suspension or both. No veterinarian shall be subject to any penalty for administering any substance insofar as he has fully complied with section (11), MAC 40-3.46(6)-S46020, hereof, and has informed the owner, trainer or other person requesting the treatment of the name, dosage and probable effect of the medication used.

(15) Any horse showing a positive test indicating the presence of a forbidden substance shall be subject to disqualification and the owner or owners shall not participate in the purse distribution and shall not receive any trophy, blanket or other prize awarded unless so ordered by the Board after hearing the case.

PROFESSIONAL
AND OCCUPATIONAL LICENSING

(16) Any track record established by a horse showing a positive test indicating the presence of a forbidden substance shall be null and void.

(17) No punitive action will be taken by the stewards, the Board or their authorized representatives against anyone upon the report of a positive test which does not indicate the presence of a forbidden substance.

(18) Except by specific written permission of the stewards, no person other than a licensed veterinarian within the ground of a race meet where horses are lodged or kept shall have in or upon the premises which he occupies or has the right to occupy, or in his personal property or effects, any hypodermic instrument or part of a hypodermic instrument.

(19) Any time a positive test and/or analysis is reported by the approved chemist and at any other time deemed advisable, the Board, the stewards or a duly authorized representative of either may conduct a search for and seize any illegal paraphernalia, forbidden substance, or substance not approved by the U.S. Food and Drug Administration. Searches shall be conducted only after obtaining an appropriate search warrant or with the consent of the person to be searched or the consent of the person in control of the place to be searched. (History: Sec. 82A-1605, 62-505,506 R.C.M. 1947; IMP 62-505,506 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-1; Order MAC No. 40-3-46-3; Adp. 3/16/74; Eff. 5/4/74; PRIOR p. 40-209,210.)

40-3.46(6)--S46030 CORRUPT PRACTICES AND PENALTIES

(1) No person shall use profane or obscene language to any racing official or any employee or representative of the Board.

(2) No person shall in any manner or at any time, disturb the peace or interfere with the lawful activity of any racing official on the grounds of a race meeting.

(3) No person shall knowingly or intentionally make and submit or cause to be submitted to any racing official any false or intentionally misleading affidavit.

(4) No person shall give, offer, or promise, directly or indirectly, either on his own behalf or in behalf of another, to anyone, any bribe, gift or gratuity in any form, for the purpose of improperly influencing the result of a race, or which would tend to do so.

(5) No racing official or his assistant, no owner, trainer, jockey or agent, and no person having charge or access to any race horse, nor any other person shall accept or offer to accept on his own behalf or on behalf of another, any bribe, gift or gratuity in any form to influence the result of a race, or which would tend to do so.

(6) No person shall willfully enter, or cause to be entered, or start, a horse which he knows or believes to be ineligible or disqualified.

(7) No person shall offer or receive money or any oth-

40-3.46(6)-S46030

PROFESSIONAL
AND OCCUPATIONAL LICENSING

er benefit for declaring an entry from a race.

(8) No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding and then only on the horse being ridden by said jockey.

(9) No person shall offer or give a jockey any money or other benefit in relation to a race unless said person is the owner or trainer of the horse ridden in said race by said jockey.

(10) No electrical or mechanical device or other appliance designed to increase or decrease the speed of a horse (or that would tend to do so) other than the ordinary whip shall be possessed by any one or applied by any one to a horse at any time on the grounds of a race meeting, during a meeting, whether in a race or otherwise.

(11) No person shall improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall be counsel or in any way aid or abet such tampering.

(12) No person shall assume or pay, directly or indirectly, a fine imposed upon a jockey.

(13) No owner or trainer shall employ a jockey for the purpose of preventing him from riding in any race.

(14) All fines, forfeitures and suspensions shall be imposed by the starter with the approval of the stewards, by the stewards, or by the Board. No other racing official shall have the right to impose a fine or suspension although any racing official may recommend to the stewards that disciplinary action be taken against a named person. Each racing official shall report to the stewards any observed violation of the rules of racing.

(15) All fines or suspensions imposed by the stewards shall be promptly reported in writing to the Board.

(16) All fines shall be made payable to the Board and delivered to the state steward or his duly authorized representative within twenty-four (24) hours after imposition and shall be turned over to the Board at the end of the race meeting. Failure to pay any fine within the time specified shall result in an automatic suspension which shall continue until such time as the fine is paid or the ruling imposing the fine is overturned by the Board or a court of law.

(17) All suspensions for a specified period of time shall be considered in calendar days. The ruling shall specify the first and last day of the suspension.

(18) No racing official shall directly or indirectly buy or sell any contract upon any jockey or apprentice for himself or another, nor shall he write or solicit horse insurance.

(19) No racing official shall directly or indirectly wager money or anything of value on the result of any race at any licensed race meeting.

(20) Any trainer, owner or other licensed racing person

who knowingly harbors or conceals anyone not provided with proper credentials or not licensed as required by these rules shall be reported to the stewards and subject to disciplinary action.

(21) No person shall make a hand book or a foreign book on the grounds of a race meeting.

(22) No person shall solicit for a bet with a hand book or a foreign book on the grounds of a race meeting.

(23) No person who is a bookmaker, or who is known or reputed to be a bookmaker, or who is a fugitive from justice, or whose conduct at a race track in Montana or elsewhere, now or heretofore, has been detrimental to the best interests of racing, shall enter or remain upon the premises of any licensee conducting a horse racing meet or meeting under the jurisdiction of the Board, and all such persons shall upon discovery or recognition be forthwith ejected from race tracks in the state by licensees in this state and/or by the representatives and agents of the Board.

(24) Violators of any rule or regulation of the Board shall be subject to ejection from the grounds, fine, suspension or revocation of license and/or such other penalty permissible under the authority delegated by law to the Board, including the suspension of a named horse. The penalties provided in this section shall be applicable to every section of these rules and regulations the same as though it were a part or each and every section of these rules and regulations.

(25) Any person ejected from the grounds of a race meeting shall be denied admission to said grounds until permission for re-entering has been obtained from the Board.

(26) When a person is ruled off or suspended, every horse owned in whole or in part by him or under his care, management, training or superintendence shall be ineligible to be entered or to start in any race until said horse or horses have been reinstated by the termination or rescission of the penalty or by transfer of the horse or horses through bona fide sale, or by placement of the horse or horses in the hands of a licensed trainer approved by the Board.

(27) Any person or horse ruled off or suspended by any recognized turf authority shall be prohibited from participating in racing in Montana according to the terms of the ruling made by said recognized turf authority.

(28) No telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, mechanical, manual or visual communication shall be installed within the enclosure of any licensee, until same has been approved by the Board.

(29) All public telephones and telegraph wires at the track, or on the grounds of the licensee conducting the meeting, shall be closed with the opening of the pari-mutuel windows for the first race of the day. No calls or wires shall be allowed to be made or received after the telephones and telegraph wires are closed until after the last race has been finished.

ished except by the officials of the Board, by duly authorized officials of the race meeting or duly accredited members of the press.

(30) The licensee is responsible to see that no unauthorized person uses their telephones during the period from thirty (30) minutes prior to the first race to fifteen (15) minutes after the last race of the day.

(31) No persons licensed by this Board shall knowingly transmit or allow to be transmitted by telephone, telegraph, teletype, semaphore, signal device, radio, television, or visual communication from within the enclosure of the track to any person or receiving device beyond the enclosure of the track, the result of any race until at least fifteen (15) minutes after said race is declared official, with the exception of the final race of the program.

(32) Any licensee desiring to broadcast, televise, or transmit by press wire, pertinent information relating to any horse race run at its track, not inconsistent with the express provisions of these rules, shall first file with the Board for its approval, an application at least ten (10) days prior to the opening day of the licensee's meeting, stating therein the particular races during the meet, and the dates thereof, that the licensee desires to be broadcast, televised or transmitted by press wire, together with the name and address of the representative of the public press, radio or television authorized by said persons to broadcast, televise or transmit by press wire the requested races. (History: Sec. 82A-1605, 62-5-5, 506, 507, 508; R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72.)

40-3.46(6)-S46040 PARI - MUTUEL OPERATIONS (1)

General Rules.

(a) Betting will only be permitted by means of a pre-printed ticket, pari-mutuel system or a totalisator system that has been approved by the Board of Horse Racing.

(b) The Board shall have a representative to be known as a pari-mutuel supervisor. His duties shall be to direct and supervise the conduct of the Mutuel Department during each race meeting. He shall be given free access to all of the records, books and papers of the Association and to any room or enclosure of the Association at any and all times. The officers and employees of the Association shall promptly give the supervisor such information as he may request from time to time, and shall freely and fully cooperate with him in every way so that he may be certain that the mutuel department is being properly and efficiently operated, in strict accordance with the law and the rules and regulations of the Board. If he finds defects in the pari-mutuel operations, he has the authority to stop wagering until remedied.

(c) No employee of the licensee or of the totalisator

company, or of the pari-mutuel department, may bet for himself or any other person during a race meeting in which he or she is a licensed employee.

(d) Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window. No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed or mutilated beyond identification. Payment of wagers will be made only on presentation of appropriate pari-mutuel tickets.

(2) Duties of the Licensee

(a) The licensee shall not sell or cash pari-mutuel tickets to persons under eighteen (18) years old. Signs indicating that persons under eighteen (18) are not allowed to bet shall be conspicuously displayed near the selling and cashing windows.

(b) The licensee shall provide at least one armed guard to protect the cash room. Such guard shall be posted continuously from the time the betting begins until the cash room is closed and travel with the money until deposited.

(c) The licensee shall ensure that all pari-mutuel tickets sold during a race meeting are purchased or cashed from the front of the regular ticket windows, properly designated by signs indicating the type of tickets sold or cashed.

(d) The licensee shall provide direct communication between the steward's stand and the pari-mutuel department.

(e) The licensee shall designate by Montana Horse Racing Board identification badges the identification of every cashier and seller to permit identification to the public.

(f) A licensee mutuel department, at every race meeting, must be conducted in a strict, dignified and proper manner. All pari-mutuel selling machines must be located only in places easily accessible and in plain view of the general public. The Association at all times shall endeavor to procure employees therein of intelligence. All employees coming in contact with patrons must at all times demean themselves in respectful and temperate fashion.

(g) All employees shall be given instruction as to their duties in a mutuel department before the meet begins. These instructions are to be given in the presence of the pari-mutuel supervisor, so these instructions will meet with the approval of the Montana Board of Horse Racing.

(h) The infield board shall be so situated as to afford the betting public an unobstructed view.

(i) The licensee shall ensure that not less than three (3) complete quotations of odds are posted for the purpose of informing the public of the actual betting on each horse as disclosed by the actual take-off of the straight pool at the time such odds are posted and also a final line after the closing of betting, before the finish of the race. Such final odds shall compare favorably with the actual odds.

(j) The licensee shall ensure that the final odds for each race remain on the infield board a minimum of thirty (30) seconds after the official race prices for that race have been posted, except in extenuating circumstances.

(k) The licensee shall post in plain view of the public the actual prices to be paid for each ticket.

(l) At the discretion of the Board, a licensee may be required to furnish a blanket fiduciary bond before issuance of a license to operate a race meet.

(m) Wherever economically possible the licensee shall furnish a certified or licensed public accountant, licensed to practice in the State of Montana, and the accountant shall have the following duties:

(i) completion of the forms summarizing the day's mutuel operation, and verification of the pay-off computations, and completion of such other forms as may be required by the supervisor of pari-mutuel betting, and

(ii) submission of financial statements covering pari-mutuel operations for the entire race meet, and including in these statements a source and application of funds statement.

(n) The licensee shall ensure that no seller or cashier is advised of a shortage or overage in his money until it has been authorized by the pari-mutuel supervisor.

(o) Sellers and cashiers shall be responsible to the licensee for their shortages; sellers shall not be permitted to count the contents of their money box, unless under extenuating circumstances permission is granted by the supervisor of pari-mutuel betting.

(p) The licensee shall submit to the Board, statements showing pari-mutuel receipts, percentages retained, and such other information as may be required for the proper administration of the law. Said information shall be submitted within thirty (30) days after the close of the meeting. The supervisor of pari-mutuel betting must be given access to the books of the licensee for this purpose.

(q) The licensee shall submit to the Board, at the completion of each race meeting, a statement showing the name of each cashier, denomination of tickets cashed, and any shortage or overage incurred on a daily basis.

(r) Wherever possible, the licensee shall post, after each race, in view of the public, the amounts bet on each horse, straight, place and show, and the total amounts of these pools. Also, the total amounts of each special betting feature pool with the number of tickets sold on the winning combination, such information to remain on the board until completion of the day's racing card.

(3) Duties of the Mutuel Manager

(a) The mutuel manager is responsible for the accuracy of all pay-off prices.

(b) If for any reason a change is made in any figure on the calculator's sheet or any sub-sheet thereof, in the recording of the wagering, such change must be explained to and

meet with the approval of, and be initialed by the supervisor of the pari-mutuel betting.

(c) A copy of each completed pool calculation sheet, hand take-offs and other supporting documents, shall be turned over to the supervisor of pari-mutuel betting upon completion of each race.

(d) At the end of each race day, the mutuel manager shall prepare or have prepared a pari-mutuel recapitulation form and submit two copies of this form to the supervisor of pari-mutuel betting. The recapitulation form shall be provided by the Montana Board of Horse Racing.

(e) The mutuel manager shall balance the pari-mutuel recapitulation against the cash room report for each race day and file a report explaining any discrepancy.

(4) Improper Operation

(a) If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off, irrespective of the error on the public board, but no change shall be made in the pay-off after the cashing of winning tickets has commenced. If an error is discovered before the pay-off is started, the correct pay-off shall be posted and a statement made over the public address system stating the facts and the corrections.

(b) All overpayments shall be borne by either the licensee or the tote company as agreed between the above parties prior to the opening of the race meet. A certificate of liability for overpayments shall be filed with the supervisor of pari-mutuel betting prior to the start of betting on the first race of the race meeting.

(c) All underpayments shall be added to the comparative pool in the following race. (Example: If the underpayment occurs in the "win" pool of the first race, the amount is added to the "win" pool in the second race.) All underpayments not discovered until the conclusion of the racing day shall be added to the comparative net pool (i.e., the pool remaining after deduction of the legal commission) of the first race the next following day at the said meeting. Any underpayment not discovered until the end of the race meeting shall become the property of the Board of Horse Racing.

(d) Illegible or mutilated tickets shall not be sold; further they shall be voided with ink or mutilation and accounted for by the mutuel manager and licensee in calculation of the gross pool, but not to be included as winning tickets.

(e) Illegible or mutilated tickets issued by a ticket issuing machine shall not be sold. These tickets are to be voided by ink or mutilation and are to be attached to the calculation sheet for their respective pool and race.

(f) The licensee shall be responsible for all cashier and seller's errors. Any customer complaint concerning a cashier or seller's error shall be immediately called to the

attention of the supervisor of pari-mutuel betting, and his decision shall be final.

(5) Programs

(a) All licensees are required to print a program which may be sold to the public.

(b) The name of the licensee conducting the race meeting must appear on the daily race program.

(c) The daily race program shall give the names of the horses which are scheduled to run in each of the day's races; indicate the order in which each race is to be run; the purse; distance of each race; his number of post position, color; sex; and age.

(d) Where preprinted tickets are utilized, the daily race program must carry the pari-mutuel number opposite each horse.

(e) The following must appear on the daily race program; "No mutilated tickets will be paid or refunded after leaving the seller's window," and "No tickets will be refunded or exchanged after leaving the seller's window."

(6) Types of Bets

(a) The Quiniela is a contract by the purchaser of a Quiniela ticket to select the first two horses to finish in a race.

(b) The Exacta is a contract by the purchaser of an Exacta ticket to select the first two horses in their respective order of finish in a race.

(c) The Big Q is a contract by the purchaser of a Big Q ticket to select the first two horses in two successive races.

(d) The Daily Double is a contract by the purchaser of a Daily Double ticket to select the winner of the first race of the daily double and the winner of the second race of the daily double.

(e) The Win is a contract by the purchaser of a Win ticket to select the first horse to finish in a race.

(f) The Place is a contract by the purchaser of a Place ticket to select a horse to finish in any of the first two places.

(g) The Show is a contract by the purchaser of a Show ticket to select a horse to finish in any of the first three places.

(h) All approximate odds reflect pay outs on the WIN POOL ONLY. (Pay outs on other pools are totally independent and may be larger or smaller than Win pool payouts.) These odds pay to win.

(i) If any feature bet is not offered by the licensee, it is not required to be printed on the program.

(j) A bet on an "entry" is successful if any horse in the entry is successful. An "entry" occurs when horses sharing a common interest are coupled and run together as if one horse.

(k) A mutuel field has the same effect as an entry.

PROFESSIONAL
AND OCCUPATIONAL LICENSING(7) Equipment and Operation

(a) The totalisator system must be approved by the Montana Board of Horse Racing.

(8) The Mutuel System

(a) Betting shall not commence for the race day until the mutuel manager has demonstrated to the satisfaction of the supervisor of pari-mutuel betting that the mutuel system is capable of proper operation.

(b) If the system is automated, the supervisor of pari-mutuel betting shall not allow the opening of the day's betting if:

(i) Any connected issuing machine fails to issue legible tickets, properly record on the tote the issuance of a ticket, function in any way which would materially interfere with the proper calculation of a pool or the proper supervision of the operation of the mutuel system.

(ii) Any part of the machinery in the automated mutuel system malfunctions so as to materially interfere with the proper calculation of a pool or the proper supervision of the operation of the mutuel system.

(iii) Any issuing machine bears a ticket code, identical to any previous day of the race meet, or has tickets that bear serial numbers inclusive of any used during a previous day of the race meeting, or

(iv) The mutuel manager has failed to draw a test ticket from every machine prior to the first race of the race day, in the presence of the supervisor of pari-mutuel betting for his verification, certification and permanent possession.

(c) If new rolls of tickets are to be inserted during the course of the race day, the mutuel manager shall inform the supervisor of pari-mutuel betting.

(d) If the system uses preprinted tickets, the supervisor of pari-mutuel betting shall not allow the opening of the day's betting if he is not satisfied that the pari-mutuel manager is able and willing to comply with the following regulations:

(i) Licensee operating the preprinted ticket system shall provide proper safeguard of unsold tickets, ticket racks and adequate facilities for ticket checking.

(ii) Licensee shall be responsible for the hiring of sufficient mutuel employees to make a prompt and accurate count of the hand tickets both for the purpose of calculating odds and for the purpose of calculating pools.

(iii) Licensee shall ensure that where extra decks of tickets are inserted, a proper marker (indicating previous number of sales) is used.

(iv) Where preprinted pari-mutuel tickets are sold, the licensee shall be charged with hiring sufficient employees to provide for separation and delegation of duties to insure good internal control, i.e., the person issuing tickets shall not also cash tickets or sell tickets at a window, or supervise the selling of tickets.

(e) If the supervisor of a pari-mutuel betting refuses to authorize the opening or wagering, he shall explicitly explain to the mutuel manager the reason for his refusal. When the defects in the mutuel system are remedied and its adequacy demonstrated, the supervisor of pari-mutuel betting shall authorize the opening of wagering. The pari-mutuel manager shall not open the day's betting without the approval of the supervisor of pari-mutuel betting.

(f) Any faulty operation of the totalisator or infield board shall be explained in detail in a written report by the tote technician and a copy of said report given to the mutuel manager and to the pari-mutuel supervisor.

(9) Post Time

(a) The minimum elapsed time between the previous race being declared OFFICIAL and the next official post time, shall be, at the discretion of the steward after giving due consideration to the facilities of the pari-mutuel plant and the requirements of the supervisor of pari-mutuel betting.

(10) Closing of Betting

(a) The location of the switches controlling the cease betting signals must be approved by the steward. The steward shall have complete charge of said controls; in the event the pari-mutuel machines are closed off before time, during wagering on a race, they shall not be reopened without the express permission of the steward.

(b) At race meetings where preprinted ticket systems are operating, all betting must cease at the order of the steward and in no case later than the time the horses leave the starting gate.

(c) At all race meetings all betting must cease when the starter dispatches the horse from the starting gate or such other time, prior to the actual start of the race, as the steward may approve.

(d) The steward shall lock all issuing machines before the last horse is loaded in the starting gate.

(11) Breakage, Minus Pools, and Commissions

(a) The licensee may retain twenty (20) per cent of the total amount wagered on each race, with one (1) per cent being paid to the Montana Board of Horse Racing, and in addition may retain:

(i) Any remainder occurring in each calculation on a dollar basis, and

(ii) Any odd cents over any multiple of ten cents in the amount calculated on a dollar basis, so that the licensee may retain the breaks on tickets of every denomination except in the case of a minus pool.

(b) In the event a minus pool should occur and the amount calculated on the dollar basis be less than ten cents, the association shall pay the amount of ten cents on each dollar bet.

(c) In the event a minus pool occurs, the expenses of such minus pool shall be borne by the licensee.

(12) Distribution of Pools

(a) When two or more horses owned by the same owner or trained by the same trainer are entered or run in a race, the licensee shall ensure that such horses are coupled in the betting as an entry.

(b) Horses separately owned or trained may be coupled as an entry, for the purpose of pari-mutuel wagering, by the presiding steward, where it is deemed necessary to do so to protect the public interest.

(c) A wager on one horse of an entry or a mutuel field shall be considered a wager on all horses so coupled in that particular entry or mutuel field. Entries shall not be uncoupled in dealing with the pari-mutuel wagering except as otherwise provided.

(d) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among holders of place tickets on the other horse which was placed first or second.

(e) If no money was wagered to show on a horse which is placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.

(f) The win pool shall be calculated as follows: Deduct twenty (20) percent. Deduct the value of the winning tickets. Divide the net pool by the value of tickets on the winning horse. Pay off at the result obtained multiplied by the purchase price of each ticket, plus the purchase price of each ticket.

(g) The place pool shall be calculated as follows: Deduct twenty (20) percent. Deduct the total value of the two winning tickets. Allot half the net pool to each horse. Divide by the value of tickets on each winning horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(h) The show pool shall be calculated as follows: Deduct twenty (20) percent. Deduct the total value of the three winning tickets. Allot one-third of the net pool to each horse. Divide the value of tickets on each winning horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(13) Dead Heats

(a) When two horses finish in a dead heat for first place, the win pool shall be calculated as a place pool.

(b) Should three horses finish in a dead heat for first place and the heat is not run off, the straight pool and the place pool shall be calculated as show pools.

(c) Should two horses finish in a dead heat for second place, the place pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct total value of the winning tickets. Divide net pool in two. Allot half the net pool to the horse finishing first and the remaining half

divided between the horses finishing in a dead heat for second place. Divide portions allotted to each horse by the value of tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor plus purchase price of each ticket.

(d) Should three horses finish in a dead heat for second place, the place pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct total value of winning tickets. Divide net pool in two. Allot one-half of net pool to the horse finishing first and the remaining half divided equally among the three horses in the dead heat for second place. Divide portions allotted to each horse by the value of tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(e) Should three horses finish in a dead heat for second place, the show pool shall as follows:

(i) Deduct twenty (20) percent. Deduct the total value of winning tickets. Allot one-third of the net pool to the horse finishing first and the remaining two-thirds to be divided equally among the three horses finishing in the dead heat. Divide portions allotted to each horse by the value of the ticket sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus purchase price of each ticket.

(f) Should two horses finish in a dead heat for third place, the show pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct total value of winning tickets. Divide net pool in three equal parts. Allot one-third to each of the horses finishing first and second, the remaining third to be divided equally between the two horses finishing in the dead heat for third. Divide portions allotted to each horse by the value of tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor plus the purchase price of each ticket.

(g) Should three horses finish in a dead heat for third place, the show pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct total value of winning tickets. Divide net pool in three. Allot one-third to each of the horses finishing first and second. Divide the remaining third equally among the three horses in the dead heat for third place. Divide portions allotted to each horse by the value of the ticket sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor plus the purchase price of each ticket.

(14) Entry or Mutuel Field

(a) Should two horses of an entry or of the mutuel field finish first and second, the place pool shall be calculated as a win pool and divided among those holding place tickets on the entry or the mutuel field.

(b) Should two horses of an entry or of the mutuel

field finish first and second and another horse finish third, the show pool shall be calculated in the manner outlined in the next section.

(c) Should two horses of an entry or of the mutuel field finish first and third, the show pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct the total value of the two winning tickets. Allot two-thirds of the net pool to the entry or mutuel field. Allot one-third of the net pool to the remaining horse. Divide portions allotted to each horse by the value of tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(d) Should two horses of an entry or of the mutuel field finish second and third, the show pool shall be calculated in the manner outlined in the preceding section.

(e) Should the horses of an entry or of the mutuel field finish first, second, and third, the place and show pools shall be calculated as win pools and divided among those holding place and show tickets on the entry or the mutuel field.

(15) Dead Heats Involving Entry or Mutuel Field

(a) Should a horse of an entry or one horse of the mutuel field finish first and another horse of the entry or mutuel field finish in a dead heat with another horse or second place, the place pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct the value of the two winning tickets. Divide net pool in two. Allot half the net pool to the horse finishing first and the remaining half divided between the two horses finishing in a dead heat for second place. Couple the portions allotted to each horse by the value of tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor plus the purchase price of each ticket.

(b) Should two horses of an entry or of the mutuel field finish in a dead heat for the first place, the place pool shall be calculated as a straight pool.

(c) Should one horse of an entry or one horse of the mutuel field finish first and another horse of the entry or of the mutuel field finish in a dead heat with another horse for third place, the show pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct the value of the winning tickets. Allot one-third to the horse finishing first. Allot one-third to the horse finishing second. Divide the remaining third between the two horses finishing third. Couple the portions allotted to the two horses involved in the entry or mutuel field. Divide portions allotted to each horse by the value of the tickets sold on such horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(d) Should one horse of an entry or one horse of a

mutuel field finish second and another horse of the entry or of the mutuel field finish in a dead heat with another horse for third place, the show pool shall be calculated as outlined in the preceding section.

(e) Should two horses of an entry or of the mutuel field finish first and second and another horse of the entry or mutuel field finish in a dead heat with another horse for third place, the show pool shall be calculated as follows:

(i) Deduct twenty (20) percent. Deduct the value of the winning tickets. Allot one-third to the horse finishing first. Allot one-third to the horse finishing second. Divide the remaining third between the two horses finishing third. Couple the portions allotted to the three horses involved in the entry or mutuel field. Divide portions allotted to each horse by the value of tickets sold on each horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

(16) Daily Double Feature

(a) Only one (1) Daily Double will be permitted during a single racing day at tracks licensed by this Board.

(b) If no ticket is sold combining the two winners of the Daily Double, the pool shall be apportioned equally between those having tickets including the winner in the first race of the Daily Double and those having tickets including the winner in the last race of the Daily Double in the same manner in which Place Pool is calculated and distributed.

(c) If no ticket is sold including the winner of the first race of the Daily Double then the entire pool will be paid to the holders of tickets which include the winner of the last race of the Daily Double.

(d) Likewise, if no ticket is sold including the winner of the last race of the Daily Double, the entire pool will be paid to the holders of the first race of the Daily Double.

(e) If no ticket is sold including a winner of either race of the Daily Double then the pool shall be paid to the holders of tickets which include the horses finishing second in the two races of the Daily Double.

(f) If no ticket is sold that would require distribution of the Daily Double Pool to a winner under the sub-sections (b), (c), (d), and (e) of MAC 40-3.46(6)-S46040 above, the Race Meet shall make a complete and full refund of the Daily Double Pool.

(g) If for any reason the first race of a Daily Double is cancelled and declared off, full and complete refund will be made of the Daily Double Pool.

(h) If for any reason, the second race of a Daily Double is cancelled, or declared off, the whole of the Daily Double Pool shall be distributed as a win pool to the holders of Daily Double tickets, upon the winner of the first half of the Daily Double. If no Daily Double ticket has been sold upon the winner of the first half of such Daily Double the total pool shall be distributed as a win pool to the holders

of the Daily Double tickets upon the horse finishing second in the first half of such Daily Double.

(i) There shall be a refund of Daily Double wagers in the event of a horse being scratched before the betting on the Daily Double has closed. (This refund to apply only to wagers on the horse scratched.)

(j) In the event a horse is excused in the second half of the Daily Double, after the first race is official, all money wagered on the scratched horse in the second half of the Daily Double shall be deducted from the Daily Double Pool. Using this money, so deducted, as a Win Pool, a special or consolation prize shall be paid to all ticket holders, combining the scratched horses with the winner of the first race of the Daily Double.

(k) Before the running of the race comprising the last half of the Daily Double there shall be posted in a prominent place, easily visible from the Grand Stand, Club House and Bleachers, the pay-off of each combination coupled with the winner of the first half of the Daily Double.

(l) In case of a Dead Heat for winner in the first half of the Daily Double, the pay-off of the Daily Double need not be posted until after the running of the second half of the Daily Double, owing to the complicated calculations involved. However, announcement of this fact must be made over the loud-speaker and notice to this effect be posted on the board at conclusion of the first half of the Daily Double.

(m) If a Dead Heat should result in either the first or second race of the Daily Double, the total pool is figured as a Place Pool.

(n) Sale of Daily Double tickets shall close not later than "Off-Time" of the first race of the Daily Double.

(o) The Daily Double is not a "parlay" and has no connection with or relation to the pool shown on the totalizer board. In any race, the WIN, PLACE, SHOW and DAILY DOUBLE pools are treated separately and calculated independently of each other.

(17) Quiniela Feature

(a) The Quiniela is not a parlay, and all tickets on the Quiniela will be calculated in an entirely separate pool.

(b) The principle of Quiniela, is in effect a contract by the purchaser of a Quiniela ticket to pick (select) the winning and the second horses in the Quiniela Race.

(c) If a horse in the Quiniela Race is scratched or excused by the Stewards before off-time, all money wagered on any horse or horses so scratched or excused shall be deducted from the Quiniela pool and be refunded to the purchasers of tickets on the horse or horses so scratched or excused.

(d) Should any horse in the Quiniela Race be prevented from racing because of the failure of the stall doors of the starting gate to open, all tickets combining that horse with either of the first two finishers shall be refunded.

(e) After off-time there shall be no refund in either of the above cases.

(f) If for any reason the Quiniela Race is cancelled or declared "No Race" full and complete refund shall be made of the Quiniela pool.

(g) Except for the contingencies stated below the Quiniela is calculated in the same general manner as the straight pool.

(h) If no ticket is sold combining the winning and second horse of the Quiniela, the net pool shall then be apportioned between those having tickets including the winner and those having tickets including the second horse, and shall be calculated and distributed as place pool.

(i) In the event of a dead heat for the Win, the net Quiniela pool shall be apportioned between those having tickets on the two horses finishing in the dead heat for the win.

(j) If two horses finish the race in a dead heat for second the Quiniela Pool will be figured in the same manner as a place pool with holders of tickets on the winner and each second place horse participating equally in the Quiniela Pool.

(18) Twin Quin Feature; An association licensed by the Montana Board of Horse Racing to conduct horse racing meetings, may conduct a Twin Quin, subject to the following rules:

(a) The Twin Quin is a form of pari-mutuel wagering. It consists of selecting the Quiniela (the first two runners to finish) of each of two consecutive races. Twin Quin wagering tickets are to be sold on the first race of the two races only. The division of the pool shall be calculated as a straight pool, subject to the provisions of these rules to the contrary.

(b) Twin Quin tickets will be sold only at Twin Quin windows by the licensee for \$2.00.

(c) Twin Quin tickets will be sold only from Quiniela issuing machines.

(d) Each wagerer purchasing Twin Quin tickets shall designate his two selections as the first two runners to finish in the first race of the two consecutive Twin Quin races.

(e) After the official result of the first two runners to finish in the first half of the Twin Quin races, each wagerer holding a ticket combining the said two runners to finish, shall, prior to the running of the second half race, exchange such winning ticket at the Twin Quin windows, for a Twin Quin exchange ticket and at such time the holder shall attempt to select the first two runners to finish in the second race of the Twin Quin. NO further money will be required of the holder of the Twin Quin ticket in order to make the exchange.

(f) No Twin Quin exchange ticket on the second race of the Twin Quin will be issued except on the surrender of the Twin Quin ticket from the first race of the Twin Quin described in these rules. The Twin Quin pool obtained from sales of Twin Quin tickets on the first race of the Twin Quin will be held

subject to these rules, and divided among the winning tickets of the Twin Quin exchange tickets, subject to these rules to the contrary. Twin Quin windows will be open for the purpose of making exchange as described only after the first race has been declared official, and such windows will close at official post time at the start of the second race of the Twin Quin races.

(g) There will be no refund if the holder of a winning Twin Quin ticket from the first half of the Twin Quin fails to exchange the winning Twin Quin ticket within the time provided for said exchange. The Racing Association must provide reasonable time for the exchanging of winning Twin Quin tickets.

(h) The price of any Twin Quin tickets entitled to a refund will be deducted from the Twin Quin pool.

(i) If a runner is scratched in the first race of the Twin Quin races, all Twin Quin tickets on the scratched runner will be refunded.

(j) If no Twin Quin ticket is sold as a winning combination in the first half of the Twin Quin, the Twin Quin pool will be divided among those having tickets including the runner finishing first and the runner finishing second, and such distribution will be calculated as a place pool. In such an instance, the Twin Quin wagering will end and the pool closed for that racing card.

(k) If no Twin Quin exchange ticket is sold on the winning combination, the net pool will then be divided equally between those having tickets including the runner finishing second, in the same manner in which a place pool is calculated and distributed.

(l) If a Twin Quin exchange ticket on the second half combines only one of the two winners, and no Twin Quin exchange ticket combines the other winner, the entire pool will be distributed as a straight pool to the holders of those tickets.

(m) In the event of a dead heat for place in the first race of the Twin Quin races, all Twin Quin tickets combining the first runner and either of the place runners will be eligible for exchange for Twin Quin exchange tickets.

(n) In the event of a dead heat for place in the second race of the Twin Quin races, the Twin Quin pool will be divided, calculated and distributed as a place pool to the holders of the Twin Quin exchange tickets combining the first runner and either of the place runners.

(o) If, for any reason, the first race of the Twin Quin races is cancelled or declared "no race", full and complete refund will be made from the Twin Quin pool.

(p) If, for any reason, the second race of the Twin Quin races is cancelled or declared "no race", the pool will be calculated as a straight pool and will be distributed among the holders of tickets combining the first two runners of the first race of the Twin Quin, otherwise eligible for Twin Quin exchange tickets (and also to holders of the exchanged Twin

Quin tickets if any have been issued).

(q) If there is a dead heat for the winning runner in either of the two consecutive races for the Twin Quin, such calculation of distribution of the Twin Quin pool will be made in the manner in which any ordinary Quiniela pool would be made should there be a dead heat for the win, despite the number or runners involved in the dead heat.

(r) The Twin Quin is an entirely separate pool from all other wagering pools and has no relationship to any other forms of wagering.

(s) In the event of a late scratch in the second half of the Twin Quin and the holders of exchange tickets involved in such a late scratch or scratches are unable to exchange such tickets due to circumstances beyond the control of the track. Then such ticket holders involved in such late scratches will be handled in the following manner:

(i) Should one or two runners of the exchanged ticket be scratched, then such tickets will participate in a consolation pool and all tickets including such runners shall be deducted from the Twin Quin pool, or pools, thus formed and shall be distributed as a straight Quiniela pool.

(19) Exacta Betting

(a) Exacta-type betting may be authorized at the discretion of the racing board upon written application by an association subject to the following procedures:

(i) The exacta is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalisator board. All tickets on the Exacta will be calculated in an entirely separate pool.

(b) All exacta tickets will be for the win and place combination only. Each person purchasing an exacta ticket shall designate the exact order in which the first two horses will finish in an Exacta Race. For example, if Number 3 is selected to finish first and Number 6 is selected to finish second, they must come in Number 3 first and Number 6 second, in order to win.

(c) No entries or field horses in a race comprising the exacta are allowed.

(d) Should any horse or horses entered in an exacta race be scratched or excused by the stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure of stall doors of the starting gate to open, all tickets including such horse or horses shall be deducted from the exacta pool and money refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

(e) In the event that no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and holders of tickets selecting the

second place horse to finish second.

(f) In the event of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of the winning combinations.

(g) In the event of a dead heat between two or more horses for place, all tickets designating the proper first horse to win which are coupled with any of the place horses involved in a dead heat shall be the winners of the exacta race and pay-offs calculated according to their respective interest in the net pool.

(h) In the event of a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combinations. If no tickets combine the winning horse with either of the place horses in the dead heat, the exacta pool shall be calculated and distributed to holders of tickets designating the winning horse or either of the place horses according to their respective interest in the net pool.

(i) In the event of a dead heat between three or more horses for first place, the net pool shall be calculated and distributed to holders of tickets designating any two of the horses participating in the dead heat according to their respective interest in the net pool.

(j) In the event that no ticket is sold that would require distribution to any winner as above defined, the exacta shall be deemed "no race" and all money in the exacta shall be promptly refunded.

(k) Each association conducting an exacta pool shall publish the foregoing rule in the manner approved by the Board of Horse Racing.

(20) Refunds

(a) Should a race on which betting has commenced be postponed beyond the day originally scheduled or cancelled, all monies wagered on such race shall be refunded.

(b) Should a horse be excused from starting in a race, all monies wagered on such horse shall be refunded, provided such horse is not part of an entry or one of the mutuel field.

(c) Should the doors at the front of any stall in the starting gate fail to open when the starter dispatches the field, thereby preventing a horse from having a fair start, the starter shall immediately notify the steward who shall declare such a horse a "nonstarter" and the officer in charge of supervision of betting who shall thereupon order the money wagered on such horse deducted from the pool and refunded to the purchasers of the tickets on that horse, provided such horse is not part of an entry or of the mutuel field.

(d) If, for any reason, a horse or horses shall be excused from starting after the wagering has commenced, the following shall apply:

(i) If the starting field is reduced to less than two

separate interests, a full and complete refund shall be made in the win, place and show pools.

(ii) If the starting field is reduced to less than three separate interests, a full and complete refund shall be made in the place and show pools.

(iii) If the starting field is reduced to less than four separate interests, a full and complete refund shall be made in the show pool.

(e) For the purpose of this rule, a horse locked in the starting gate will be considered as excused from starting.

(f) Should there be no winning tickets sold in any pool, on the horse or horses finishing in the race and the pool cannot be distributed in accordance with the pari-mutuel regulations of the Board of Horse Racing, a full and complete refund of that particular pool shall be made.

(g) History: Sec. 82A-1605, 62-505,506 R.C.M. 1947; IMP Sec. 62-511 through 514 R.C.M. 1947; Order MAC No. 40-1; Adp. 12/31/72; Eff. 12/31/72; AMD, MAC Not. No. 40-3-46-2; Order MAC No. 40-3-46-3; Adp. 4/15/74; Eff. 5/4/74; PRIOR pp. 40-213 through 40-220.)

Montana State Library



3 0864 1007 0382 9